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# Rules and Regulations

Federal Register

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

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA-2024-1981; Airspace Docket No. 24-ASO-22]

RIN 2120-AA66

#### Amendment of Class E Airspace; Kenansville, 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 Kenansville, NC, by adding airspace for ECU Health Duplin Heliport. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

**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](http://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/](http://www.faa.gov/air_traffic/publications/). For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; 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 for ECU Health Duplin Heliport in Kenansville, NC.

##### History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2024-1981 in the **Federal Register** (89 FR 87988; November 6, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for ECU Health Duplin Heliport in Kenansville, 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 action amends 14 CFR part 71 by amending Class E airspace extending upward from 700 feet above the surface for ECU Health Duplin Heliport, Kenansville, NC, by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of the ECU Health Duplin Heliport, Kenansville, NC. 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 Kenansville, NC [Amended]**

Duplin County Airport, NC  
(Lat. 35°00'00" N, long. 77°58'54" W)  
ECU Health Duplin Heliport  
(Lat. 34°57'53" N, long. 77°57'39" W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Duplin County Airport and within a 6-mile radius of ECU Health Duplin Heliport.

\* \* \* \* \*

Issued in College Park, Georgia, on January 15, 2025.

**Patrick Young,**

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

[FR Doc. 2025–01446 Filed 1–22–25; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

[Docket No. FAA–2024–2685; Airspace Docket No. 24–AWP–104]

**RIN 2120–AA66**

**Revocation of the Kwajalein Island Class D and Class E Airspace in the Republic of the Marshall Islands**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Final rule.

**SUMMARY:** This action revokes the Class D and Class E airspace in the Republic of the Marshall Islands (RMI). RMI is an independent nation, and the FAA does not have regulatory authority to establish or amend domestic airspace pursuant to Title 14 Code of Federal

Regulations (14 CFR) part 71 over RMI's land or territorial waters.

**DATES:** Effective date 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 this final rule and all background material may be viewed online at [www.regulations.gov](http://www.regulations.gov) using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://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.

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

**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 the 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 is a required change due to not having regulatory authority to establish or amend airspace at RMI pursuant to 14 CFR part 71.

**History**

In 2024, the FAA received a request for formal interpretation of the airspace associated with Republic of the Marshall Islands (RMI). This request led to an in-depth review of the Class D and Class E airspace at RMI. In 1947, the United Nations assigned the United States administering authority over the Trust Territory of the Pacific Islands, which included RMI. During this time, the FAA established Class D and Class

E airspace, pursuant to 14 CFR part 71. This airspace was established in support of the Bucholz Army Airfield located on the Kwajalein Atoll in RMI. In 1986, the United States and RMI entered a Compact of Free Association which established RMI as a sovereign nation. When the United States entered the Compact of Free Association with RMI, the FAA's authority to establish or amend airspace pursuant to 14 CFR part 71 was no longer applicable to RMI. However, the previously established airspace was never revoked. This action corrects this and revokes the Class D and Class E airspace associated with RMI.

**Incorporation by Reference**

Class D airspace areas are published in paragraph 5000 and Class E airspace areas extending upward from 700 feet or more above the surface of the Earth are published in paragraph 6005 and 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 action amends 14 CFR part 71 by revoking the Class D and Class E airspace in the RMI. RMI is an independent nation, and the FAA does not have regulatory authority to establish or amend domestic airspace pursuant to 14 CFR part 71 over RMI's land or territorial waters.

This action is a required change due to the FAA not having regulatory authority to establish or amend airspace at RMI pursuant to 14 CFR part 71, therefore notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

**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 only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does 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 of revoking Class D and Class E airspace in the RMI qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points). As such, this action

is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

#### 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 FAA Order JO 7400.11], Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

*Paragraph 5000 General.*

\* \* \* \* \*

**AWP RM D Kwajalein Island, Marshall Islands, RMI [Removed]**

\* \* \* \* \*

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

\* \* \* \* \*

**AWP RM E5 Kwajalein Island, Marshall Islands, RMI [Removed]**

\* \* \* \* \*

Issued in Washington, DC, on January 15, 2025.

**Brian Eric Konie,**

*Manager (A), Rules and Regulations Group.*

[FR Doc. 2025–01453 Filed 1–22–25; 8:45 am]

**BILLING CODE 4910–13–P**

# Proposed Rules

Federal Register

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Thursday, January 23, 2025

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

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 39

[Docket No. FAA-2025-0009; Project Identifier MCAI-2024-00317-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 certain Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, -133 airplanes. This proposed AD was prompted by a widespread fatigue damage (WFD) scenario review for a certification project that indicated several cracks found around the potable water and wastewater service panels were WFD instead of typical fatigue. This proposed AD would require modification of the potable water and wastewater service panels, 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 March 10, 2025.

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

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

- *Fax:* 202-493-2251.

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

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5

p.m., Monday through Friday, except Federal holidays.

**AD Docket:** You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0009; 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](mailto:ADs@easa.europa.eu); website [easa.europa.eu](https://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](https://ad.easa.europa.eu). It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2025-0009.

- 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:**

Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3667; email: [Timothy.P.Dowling@faa.gov](mailto:Timothy.P.Dowling@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-2025-0009; Project Identifier MCAI-2024-00317-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to [regulations.gov](https://www.regulations.gov), including any personal information you provide. The agency

will also post a report summarizing each substantive verbal contact received about this NPRM.

**Confidential Business Information**

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206-231-3667; email: [Timothy.P.Dowling@faa.gov](mailto:Timothy.P.Dowling@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 2024-0105, dated May 30, 2024 (EASA AD 2024-0105) (also referred to as the MCAI), to correct an unsafe condition for certain Airbus SAS Model A319-111, -112, -113, -114, -115, -131, -132, and -133 airplanes. The MCAI states that, during the WFD scenario review of the frame for certification of the Airbus SAS Model A321XLR, it has been identified that some previous findings of the full-scale fatigue test in WFD areas were not properly correlated. The WFD criteria in terms of number of findings per location and end-of-test demonstrated life have to be assessed accordingly. Several cracks found around the potable water and wastewater service panels (WFD areas) shall be considered as WFD instead of typical fatigue findings; therefore, WFD fatigue calculations must be updated accordingly. This condition, if not addressed, could affect the structural integrity of the fuselage.

The A321XLR frame design is similar to that of the Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes. Therefore, these airplanes are subject to the unsafe condition. The FAA is proposing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0009.

**Material Incorporated by Reference Under 1 CFR Part 51**

EASA AD 2024–0105 specifies procedures for modification of the potable water service panel at stringer (STR) 43 between frames (FRs) 65 and 66 and the wastewater service panel at STR 40 between FRs 65 and 66.

Modification includes:

- Removing the solid rivets in both service panels areas;
- Performing a rotating probe test (*i.e.*, inspection) of the fastener holes for both service panels for any crack;
- If any crack is detected in any service panel, obtaining and following approved repair instructions;
- If any crack is not detected in the potable water service panel, cold working the fastener holes;
- If any crack is not detected in the wastewater service panel, drilling the fastener holes; and
- Installing hi-lok fasteners with interference fit in both service panels.

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 2024–0105 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

**Related Rulemaking**

EASA AD 2024–0105 specifies that accomplishment of the modification on an airplane supersedes airworthiness limitations tasks 534141–02–2 and 534142–02–1 for that airplane unless the approved repair instructions specify otherwise. Note the FAA issued an NPRM, FAA Docket No. FAA–2024–2145 (89 FR 77045, September 20, 2024), to propose mandating new airworthiness limitations, including those tasks.

**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 2024–0105 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0105 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 2024–0105 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 2024–0105. Material required by EASA AD 2024–0105 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0009 after the FAA final rule is published.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, would affect 344 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
27 work-hours × \$85 per hour = \$2,295 .....	\$110	\$2,405	\$827,320

The FAA has received no definitive data on which to base the cost estimates for the on-condition repair of any crack, as specified in this proposed AD.

**Authority for This Rulemaking**

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under

that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

**Regulatory Findings**

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the

States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

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

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**Airbus SAS:** Docket No. FAA–2025–0009; Project Identifier MCAI–2024–00317–T.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by March 10, 2025.

**(b) Affected ADs**

None.

**(c) Applicability**

This AD applies to Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0105, dated May 30, 2024 (EASA AD 2024–0105).

**(d) Subject**

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

**(e) Unsafe Condition**

This AD was prompted by a widespread fatigue damage (WFD) scenario review for a certification project that indicated several cracks found around the potable water and wastewater service panels are WFD instead of typical fatigue. The FAA is issuing this AD to address cracks around the potable water and wastewater service panels. The unsafe condition, if not addressed, could affect structural integrity of the fuselage.

**(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, EASA AD 2024–0105.

**(h) Exception to EASA AD 2024–0105**

This AD does not adopt the “Remarks” section of EASA AD 2024–0105.

**(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](mailto: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 Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3667; email: [Timothy.P.Dowling@faa.gov](mailto:Timothy.P.Dowling@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 2024–0105, dated May 30, 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](mailto:ADs@easa.europa.eu); website [easa.europa.eu](http://easa.europa.eu). You may find this material on the EASA website at [ad.easa.europa.eu](http://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](http://www.archives.gov/federal-register/cfr/ibr-locations) or email [fr.inspection@nara.gov](mailto:fr.inspection@nara.gov).

Issued on January 15, 2025.

**Suzanne Masterson,**

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

[FR Doc. 2025–01362 Filed 1–22–25; 8:45 am]

**BILLING CODE 4910–13–P**

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

[Docket No. FAA–2024–1883; Project Identifier AD–2023–01120–E]

RIN 2120–AA64

**Airworthiness Directives; General Electric Company Engines**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Supplemental notice of proposed rulemaking (SNPRM).

**SUMMARY:** The FAA is revising a notice of proposed rulemaking (NPRM) that applied to all General Electric Company (GE) Model CF34–10E2A1, CF34–10E6, CF34–10E6A1, CF34–10E7, and CF34–10E7–B engines with certain part-numbered high-pressure turbine (HPT) shroud/low pressure turbine (LPT) nozzle assemblies installed. This action revises the NPRM by adding Model CF34–10E5 and CF34–10E5A1 engines to the applicability. The FAA is proposing this airworthiness directive (AD) to address the unsafe condition on these products. Since these actions would impose an additional burden over those in the NPRM the agency is requesting comments on this SNPRM.

**DATES:** The FAA must receive comments on this SNPRM by March 10, 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](http://regulations.gov). Follow the instructions for submitting comments.

- *Fax:* (202) 493–2251.

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

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

**AD Docket:** You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–1883; 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 SNPRM, any comments received, and other information. The street address for Docket Operations is listed above.

**Material Incorporated by Reference:**

- For GE material identified in this proposed AD, contact GE, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: [aviation.fleetsupport@ge.com](mailto:aviation.fleetsupport@ge.com); website: [ge.com](https://www.ge.com).

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

**FOR FURTHER INFORMATION CONTACT:**

Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: [alexei.t.marqueen@faa.gov](mailto:alexei.t.marqueen@faa.gov).

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2024–1883; Project Identifier AD–2023–01120–E” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may again revise 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](https://www.regulations.gov), including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this SNPRM.

**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 SNPRM 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 SNPRM, 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 SNPRM. Submissions containing CBI should be sent to Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

**Background**

The FAA issued an NPRM to amend 14 CFR part 39 by adding an AD that would apply to GE Model CF34–10E2A1, CF34–10E6, CF34–10E6A1, CF34–10E7, and CF34–10E7–B engines with an installed HPT shroud/LPT nozzle assembly having part number (P/N) 2205M38G01, 2205M38G02, 2205M38G03, 2205M38G04, or 2205M38G05. The NPRM published in the **Federal Register** on July 10, 2024 (89 FR 56674). The NPRM was prompted by a report from the manufacturer that during disassembly, the retention features of the inner and outer support air ducts on GE Model CF34–10E series engines were found to have failed. This condition, if not addressed, could result in the inner surface of the combustion case having reduced load carrying capability for fan blade out or other extreme event with possible engine separation and loss of the airplane. In the NPRM, the FAA proposed to require a visual inspection of the combustion case for wear and gouges, repair if necessary, and rework of the affected HPT shroud/LPT nozzle assemblies.

**Actions Since the NPRM Was Issued**

Since the FAA issued the NPRM, the FAA received comments and determined that Model CF34–10E5 and CF34–10E5A1 engines were inadvertently omitted from the applicability of the NPRM. In addition, the Cost of Compliance section was modified to reflect a more accurate estimate of the number of affected engines. While the number of affected models increased, the number of

affected engines is lower than previously estimated.

**Comments**

The FAA received comments from three commenters. The commenters were the Air Line Pilots Association, International (ALPA), Japan Airlines, and GE. ALPA supported the NPRM without change. The following presents the comments received from Japan Airlines and GE and the FAA’s response.

**Request To Update the Applicability**

Japan Airlines and GE suggested that engine Model CF34–10E5 and CF34–10E5A1 be included in the applicability of the NPRM because the effectivity of GE CF34–10E Service Bulletin (SB) 72–0351 R01, dated July 17, 2019 (GE CF34–10E SB 72–0351 R01) applies to all CF34–10E engines with an installed HPT shroud/LPT nozzle assembly having part number (P/N) 2205M38G01, 2205M38G02, 2205M38G03, 2205M38G04, or 2205M38G05.

The FAA agrees and has revised paragraph (c) of this proposed AD to add engine Model CF34–10E5 and CF34–10E5A1.

**FAA’s Determination**

The FAA is proposing this AD after determining the unsafe condition described previously is likely to exist or develop in other products of the same type design. Certain changes described above expand the scope of the NPRM. As a result, it is necessary to reopen the comment period to provide additional opportunity for the public to comment on this SNPRM.

**Material Incorporated by Reference Under 1 CFR Part 51**

The FAA reviewed GE CF34–10E SB 72–0351 R01, which provides instructions for a visual inspection of the combustion case for wear and gouges, repair if necessary, and rework of the affected HPT shroud/LPT nozzle assemblies. This material also introduces a new HPT shroud/LPT nozzle assembly P/N 2205M38G07 with welded retaining rings. This service information is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

**Proposed AD Requirements in This SNPRM**

This proposed AD would require a visual inspection of the combustion case for wear and gouges, repair if necessary, and rework of the affected HPT shroud/

LPT nozzle assemblies to add a positive retention of the support air duct.

**Costs of Compliance**

The FAA estimates that this AD, if adopted as proposed, affects 221

engines installed on airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

**ESTIMATED COSTS**

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Visual inspection of the combustion case inner shell surface.	8 work-hours × \$85 per hour = \$680 .....	\$0	\$680	\$150,280
Rework of the affected HPT shroud/LPT nozzle assembly.	8 work-hours × \$85 per hour = \$680 .....	0	680	150,280

The FAA estimates the following costs to do any necessary repairs that

would be required based on the results of the proposed inspection. The agency

has no way of determining the number of engines that might need these repairs.

**ON-CONDITION COSTS**

Action	Labor cost	Parts cost	Cost per product
Repair of the combustion case .....	8 work-hours × \$85 per hour = \$680 .....	\$0	\$680
Replacement of the combustion case .....	8 work-hours × \$85 per hour = \$680 .....	647,000	647,680

**Authority for This Rulemaking**

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

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

**Regulatory Findings**

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

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

**List of Subjects in 14 CFR Part 39**

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

**The Proposed Amendment**

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

**PART 39—AIRWORTHINESS DIRECTIVES**

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

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

**§ 39.13 [Amended]**

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

**General Electric Company:** Docket No. FAA–2024–1883; Project Identifier AD–2023–01120–E.

**(a) Comments Due Date**

The FAA must receive comments on this airworthiness directive (AD) by March 10, 2025.

**(b) Affected ADs**

None.

**(c) Applicability**

(1) This AD applies to General Electric Company (GE) CF34–10E2A1, CF34–10E5, CF34–10E5A1, CF34–10E6, CF34–10E6A1,

CF34–10E7, and CF34–10E7–B engines with an installed high-pressure turbine (HPT) shroud/low-pressure turbine (LPT) nozzle assembly having part number (P/N) 2205M38G01, 2205M38G02, 2205M38G03, 2205M38G04, or 2205M38G05.

**(d) Subject**

Joint Aircraft System Component (JASC) Code 7250, Turbine Section.

**(e) Unsafe Condition**

This AD was prompted by a report of failed retention features of the inner and outer support air ducts (commonly referred to as spoolies) discovered during engine disassembly. The FAA is issuing this AD to prevent failure of the combustion case. The unsafe condition, if not addressed, could result in the inner surface of the combustion case having reduced load carrying capability for fan blade out or other extreme event with possible engine separation and loss of the airplane.

**(f) Compliance**

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

**(g) Required Actions**

(1) At the next engine shop visit after the effective date of this AD, do a visual inspection of the combustion case inner shell surface for wear and gouges in accordance with paragraphs 3.A.(1) and (2) of the Accomplishment Instructions in GE CF34–10E Service Bulletin (SB) 72–0351 R01, dated July 17, 2019 (GE CF34–10E SB 72–0351 R01).

(i) If any wear or gouges are found during any inspection required by paragraph (g)(1) of this AD, before further flight, repair the combustion case in accordance with Table 1 of GE CF34–10E SB 72–0351 R01.

(ii) If any wear or gouges exceed the maximum repairable limit in accordance

with Table 1 of GE CF34–10E SB 72–0351 R01, before further flight, remove the combustion case from service.

(2) At the next engine shop visit after the effective date of this AD, rework the affected HPT shroud/LPT nozzle assembly, in accordance with paragraph 3.B. of the Accomplishment Instructions of GE CF34–10E SB 72–0351 R01.

#### (h) Definition

For the purpose of this AD, an “engine shop visit” is defined as when the HPT shroud/LPT nozzle assembly or the HPT rotor disk is removed from the engine.

#### (i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the AIR–520 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](mailto:AMOC@faa.gov).

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

#### (j) Related Information

For more information about this AD, contact Alexei Marqueen, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7178; email: [alexei.t.marqueen@faa.gov](mailto:alexei.t.marqueen@faa.gov).

#### (k) Material Incorporated by Reference

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

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

(i) GE CF34–10E Service Bulletin 72–0351 R01, dated July 17, 2019.

(ii) [Reserved]

(3) For GE material identified in this AD, contact GE, 1 Neumann Way, Cincinnati, OH 45215; phone: (513) 552–3272; email: [aviation.fleetsupport@ge.com](mailto:aviation.fleetsupport@ge.com); website: [ge.com](http://ge.com).

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on January 6, 2025.

**Suzanne Masterson,**

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

[FR Doc. 2025–01458 Filed 1–22–25; 8:45 am]

**BILLING CODE 4910–13–P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Docket No. FAA–2023–2423 Airspace Docket No. 23–ANM–63]

RIN 2120–AA66

#### Modification of Class D and E Airspace; Bozeman Yellowstone International Airport, Bozeman, MT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class D surface area airspace, Class E airspace area designated as surface area, Class E airspace areas designated as an extension to a Class D or Class E surface area, and the Class E airspace area extending upward from 700 feet above the surface of the earth at Bozeman Yellowstone International Airport, Bozeman, MT. These actions would support the safety and management of visual flight rules (VFR) and instrument flight rules (IFR) operations at the airport.

**DATES:** Comments must be received on or before March 10, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA–2023–2423 and Airspace Docket No. 23–ANM–63 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, 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](http://www.regulations.gov) at any time.

Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://www.faa.gov/air_traffic/publications/). You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

#### FOR FURTHER INFORMATION CONTACT:

Nathan A. Chaffman, Federal Aviation Administration, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198; telephone (206) 231–3460.

#### 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 the 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 would modify Class D and Class E airspace to support VFR and IFR operations at Bozeman Yellowstone International Airport, Bozeman, MT.

##### Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

**Privacy:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office at the Northwest Mountain Regional Office of the Federal Aviation Administration, Air Traffic Organization, Western Service Center, Operations Support Group, 2200 S 216th Street, Des Moines, WA 98198.

#### Incorporation by Reference

Class D, E2, E4, and E5 airspace designations are published in paragraphs 5000, 6002, 6004, and 6005, respectively, 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 proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024 and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 that would modify the Class D surface area airspace, the Class E airspace area designated as surface area, the Class E airspace areas designated as an extension to a Class D or Class E surface area, and the Class E airspace area extending upward from 700 feet above the surface of the earth at Bozeman Yellowstone International Airport, Bozeman, MT.

The radius of the Class D surface area and Class E airspace area designated as surface area should be expanded to 5.1 miles to appropriately contain departures until reaching the next adjacent airspace. The southeast extension of the Class D surface area and Class E airspace designated as surface area should be eliminated as it is no longer needed.

In addition, the Class E airspace designated as an extension to a Class D or Class E surface area northwest of the airport should be lengthened by .8 miles and widened by one mile to better contain arriving IFR aircraft on the Very High Frequency Omnidirectional Range (VOR) Runway (RWY) 12 approach while below 1,000 feet above the surface.

Finally, the central radius of the Class E airspace extending upward from 700 feet above the surface should be expanded to 7.2 miles to better contain IFR aircraft departing on the BOZEMAN SIX DEPARTURE (OBSTACLE) until reaching 1,200 feet above the surface. The southeast extension centered on the 131° bearing should be lengthened and realigned to the 136° bearing to better contain departing IFR aircraft on the BOBKT FIVE DEPARTURE (Area Navigation [RNAV]) until reaching 1,200 feet above the surface and IFR arrivals on the RNAV (Required Navigation Performance [RNP]) Z RWY 30 approach below 1,500 feet above the surface. The southeast extension centered on the 155° bearing should be expanded by .7 miles, shortened by .1 miles, and realigned to the 165° bearing to better contain IFR departures until reaching 1,200 feet above the surface and IFR arrivals on the RNAV (RNP) Z RWY 30 approach below 1,500 feet above the surface. The northwest extension should be widened .6 miles and shortened 1 mile to 4.2 miles on either side of the 316° bearing, extending from the 7.2-mile radius to 14.7 miles northwest of the airport to contain the hold-in-lieu of pattern for the Instrument Landing System (ILS)

Localizer (LOC) RWY 12 arrival procedure for IFR aircraft descending below 1,500 feet above the surface.

#### Regulatory Notices and Analyses

The FAA has determined that this proposed 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

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

*Paragraph 5000 Class D Airspace.*

\* \* \* \* \*

#### ANM MT D Bozeman, MT [Amended]

Bozeman Yellowstone International Airport, MT

(Lat. 45°46'38" N, long. 111°09'01" W)

That airspace extending upward from the surface to and including 7,000 feet MSL within a 5.1-mile radius of the airport. This Class D airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

*Paragraph 6002 Airspace Areas Designated as Surface Area.*

\* \* \* \* \*

#### **ANM MT E2 Bozeman, MT [Amended]**

Bozeman Yellowstone International Airport, MT

(Lat. 45°46'38" N, long. 111°09'01" W)

That airspace extending upward from the surface within a 5.1-mile radius of the airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective date and time will thereafter be continuously published in the Chart Supplement.

\* \* \* \* \*

*Paragraph 6004 Airspace Areas Designated as an Extension to a Class D or Class E Surface Area.*

\* \* \* \* \*

#### **ANM MT E4 Bozeman, MT [Amended]**

Bozeman Yellowstone International Airport, MT

(Lat. 45°46'38" N, long. 111°09'01" W)

That airspace extending upward from the surface within 4.1 miles southwest and 3.7 miles northeast of the airport's 316° bearing extending from its 5.1-mile radius to 14.5 miles northwest of the airport.

\* \* \* \* \*

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

#### **ANM MT E5 Bozeman, MT [Amended]**

Bozeman Yellowstone International Airport, MT

(Lat. 45°46'38" N, long. 111°09'01" W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius from the airport, and within 2 miles northeast and 1.3 miles southwest of the airport's 136° bearing extending from its 7.2-mile radius to 14.8 miles southeast of the airport, and within 4.3 miles east and 2 miles west of the airport's 165° bearing extending from its 7.2-mile radius to 10.5 miles south of the airport, and within 4.2 miles either side of the airport's 316° bearing extending from its 7.2-mile radius to 14.7 miles northwest of the airport.

\* \* \* \* \*

Issued in Washington, DC, on January 15, 2025.

**B.G. Chew,**

*Group Manager, Operations Support Group, Western Service Center.*

[FR Doc. 2025-01445 Filed 1-22-25; 8:45 am]

**BILLING CODE 4910-13-P**

## **DEPARTMENT OF TRANSPORTATION**

### **Federal Aviation Administration**

#### **14 CFR Part 71**

**[Docket No. FAA-2025-0091 Airspace Docket No. 24-AAL-125]**

**RIN 2120-AA66**

#### **Revocation of Jet Route J-606 and Establishment of United States Area Navigation Route Q-182 in Alaska**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to revoke Jet Route J-606 and establish United States Area Navigation Route (RNAV) Q-182 in Alaska. The FAA is proposing this action due to the pending decommissioning of the Chinook, AK, Nondirectional Radio Beacon (NDB).

**DATES:** Comments must be received on or before March 10, 2025.

**ADDRESSES:** Send comments identified by FAA Docket No. FAA-2025-0091 and Airspace Docket No. 24-AAL-125 using any of the following methods:

\* *Federal eRulemaking Portal:* Go to [www.regulations.gov](http://www.regulations.gov) and follow the online instructions for sending your comments electronically.

\* *Mail:* Send comments to Docket Operations, M-30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12-140, West Building Ground Floor, Washington, DC 20590-0001.

\* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, 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](http://www.regulations.gov) at any time. Follow the online instructions for accessing the docket or go to the Docket Operations in Room W12-140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at [www.faa.gov/air\\_traffic/publications/](http://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.

#### **FOR FURTHER INFORMATION CONTACT:**

Steven Roff, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267-8783.

#### **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 the 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 would amend the airway structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

##### **Comments Invited**

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the

closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

**Privacy:** In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to [www.regulations.gov](http://www.regulations.gov), as described in the system of records notice (DOT/ALL-14 FDMS), which can be reviewed at [www.dot.gov/privacy](http://www.dot.gov/privacy).

#### Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at [www.regulations.gov](http://www.regulations.gov). Recently published rulemaking documents can also be accessed through the FAA's web page at [www.faa.gov/air\\_traffic/publications/airspace\\_amendments/](http://www.faa.gov/air_traffic/publications/airspace_amendments/).

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Western Service Center, Federal Aviation Administration, 2200 South 216th St., Des Moines, WA 98198.

#### Incorporation by Reference

Jet Routes are published in paragraph 2004 and United States RNAV Routes are published in paragraph 2006 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 proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

#### Background

In 2003, Congress enacted the Vision 100-Century of Aviation Reauthorization Act (Pub. L. 108-176), which established a joint planning and development office in the FAA to manage the work related to the Next Generation Air Transportation System (NextGen). Today, NextGen is an ongoing FAA-led modernization of the nation's air transportation system to make flying safer, more efficient, and more predictable.

In support of NextGen, this proposal is part of an ongoing, large, and comprehensive airway modernization project in the state of Alaska. Part of this project is to transition the Alaskan en route navigation structure away from dependency on NDBs and move to develop and improve the Area Navigation (RNAV) route structure. The FAA is planning to decommission the Chinook, AK, NDB. As a result, J-606 will become unusable. The mitigation to the loss of J-606 is the establishment of RNAV Route Q-182. The proposed routing of Q-182 is a direct overlay of the current J-606.

#### The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to revoke J-606 and establish RNAV Route Q-182 in Alaska. The FAA is proposing these actions due to the pending decommissioning of the Chinook, AK, NDB.

**J-606:** J-606 currently extends between the St. Paul Island, AK, NDB/distance measuring equipment (DME) and the Chinook, AK, NDB. The FAA is proposing to revoke J-606 in its entirety.

**Q-182:** The FAA is proposing to establish Q-182 as a replacement for J-606. Q-182 would extend between the St. Paul Island NDB/DME and the King Salmon, AK, Very High Frequency Omnidirectional Range/Tactical Air Navigation (VORTAC).

#### Regulatory Notices and Analyses

The FAA has determined that this proposed 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

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, "Environmental Impacts: Policies and Procedures" prior to any FAA final regulatory action.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 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 FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

*Paragraph 2004 Jet Routes.*

\* \* \* \* \*

#### **J-606 [Removed]**

\* \* \* \* \*

*Paragraph 2006 United States Area Navigation Routes.*

\* \* \* \* \*

**Q-182 St. Paul Island, AK (SPY) to King Salmon, AK (AKN) [New]**

St. Paul Island, AK (SPY)	NDB/DME	(Lat. 57°09'25.20" N, long. 170°13'58.77" W)
GARRS, AK	FIX	(Lat. 58°19'05.80" N, long. 161°20'31.74" W)
King Salmon, AK (AKN)	VORTAC	(Lat. 58°43'28.97" N, long. 156°45'08.45" W)

Issued in Washington, DC, on January 15, 2025.

**Brian Eric Konie,**

*Manager (A), Rules and Regulations Group.*

[FR Doc. 2025-01454 Filed 1-22-25; 8:45 am]

**BILLING CODE 4910-13-P**

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

## AGENCY FOR INTERNATIONAL DEVELOPMENT

### Agency Information Collection Activities; 2025 Digital Development Awards Application

**AGENCY:** Agency for International Development (USAID).

**ACTION:** Notice of information collection.

**SUMMARY:** The U.S. Agency for International Development's Innovation, Technology, and Research Hub invites the general public to review this new information collection. This survey is administered by the USAID Innovation, Technology, and Research Hub's Technology Division. Responses to this survey will be used to select the winners of the 2025 Digital Development Awards once the application opens next year. The Digital Development Awards recognize and celebrate USAID-funded projects and activities that harness the power of digital technology to promote inclusive growth.

**DATES:** Written comments and recommendations for the proposed information collection should be submitted by February 24, 2025 to [www.reginfo.gov/public/do/PRAMain](https://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.

**ADDRESSES:** To access and review the Google Form, please visit [https://docs.google.com/forms/d/e/1FAIpQLSc2oCYXZ5A-PQNzlu952vKo8Cw7-9FELYT2Myuw5x4Z\\_LrvRg/viewform](https://docs.google.com/forms/d/e/1FAIpQLSc2oCYXZ5A-PQNzlu952vKo8Cw7-9FELYT2Myuw5x4Z_LrvRg/viewform). Interested persons are invited to submit comments regarding the proposed information collection to [digitaldevelopment@usaid.gov](mailto:digitaldevelopment@usaid.gov).

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to this

collection, please contact John O'Bryan ([jobryan@usaid.gov](mailto:jobryan@usaid.gov)) or 202-216-3443.

**SUPPLEMENTARY INFORMATION:** The Digital Development Awards recognize and celebrate USAID-funded projects and activities that embrace the Agency's strategic goals of improving development and humanitarian assistance outcomes through the use of digital technology and strengthening open, secure, and inclusive digital ecosystems.

Under the Paperwork Reduction Act (PRA), (44 U.S.C. 3501-3520) Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. "Collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party for the Agency. Section 3506(c)(2)(A) of the PRA requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, USAID is publishing notice of the proposed collection of information set forth in this document.

The 60-day notice was published November 15, 2024 at 89 FR 90260.

**John O'Bryan,**  
*Knowledge & Insights Team Lead, USAID  
Innovation, Technology, and Research Hub.*

[FR Doc. 2025-01335 Filed 1-22-25; 8:45 am]

**BILLING CODE 6116-01-P**

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

[Doc. No. AMS-TM-24-0073]

### Request for Extension of an Information Collection—Agritourism Directory

**AGENCY:** Agricultural Marketing Service, U.S. Department of Agriculture.

**ACTION:** Notice and request for comments.

**SUMMARY:** This notice announces the Agricultural Marketing Service's (AMS) intention to request approval from the

Office of Management and Budget, for extension of a currently approved collection titled: Agritourism Directory, from the Office of Management and Budget 0581-0332. Under the Agricultural Marketing Act of 1946, as amended, AMS is responsible for conducting research to enhance market access for small and medium sized farmers. The role of the Local and Regional Foods Division of AMS is to facilitate the fair and efficient marketing of U.S. agricultural products. This information is used to populate the USDA's National Local Food Directories that assists customers looking to buy fresh local foods for their families to wholesale food buyers.

**DATES:** Comments on this notice must be received by March 24, 2025 to be assured of consideration.

**ADDRESSES:** Interested persons are invited to submit comments concerning this notice. Comments should be submitted online at <https://www.regulations.gov> or mailed to Americo Vega-Labiosa, Local and Regional Foods Division, Transportation and Marketing Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 1529 South Building, Ag Stop 0264, Washington, DC 20250-0264. Comments should reference the document number and the date and page number of this issue of the **Federal Register**. Comments submitted in response to this notice will be included in the public record and can be viewed at: <https://www.regulations.gov>. Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

**FOR FURTHER INFORMATION CONTACT:** Americo Vega-Labiosa, Local and Regional Foods Division, Transportation and Marketing Program, Agricultural Marketing Service, U.S. Department of Agriculture, 1400 Independence Ave. SW, Room 1529 South Building, Ag Stop 0264, Washington, DC 20250-0264; Telephone: (202) 384-8936 or Email: [americov.vega-labiosa@usda.gov](mailto:americov.vega-labiosa@usda.gov).

**SUPPLEMENTARY INFORMATION:**  
*Title:* Agritourism Directory.

*OMB Number:* 0581-0332.

*Expiration Date of Approval:* January 31, 2025.

*Type of Request:* Extension and revision of a currently approved information collection.

*Abstract:* Under the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621 *et seq.*), AMS is responsible for conducting research to enhance market access for small and medium sized farmers. The role of the Local and Regional Foods Division (LFRD) of AMS is to facilitate distribution of U.S. agricultural products. The division identifies marketing opportunities, provides analysis to help take advantage of those opportunities and develops and evaluates strategies including methods to diversify farming operations of direct from farm-to-customer enterprises.

The definitions of farmers markets, on-farm markets, community-supported agriculture (CSA), and food hubs, as utilized by AMS for the purposes of the Local Food Directories and Survey are listed below.

An *agritourism operation* is a working farm, ranch, aquaculture and agroforestry. An agritourism directory is a list of working farms, ranches, aquaculture and agroforestry operations that provide education and recreation opportunities, active-involvement experiences (*e.g.*, farming activities, processing), as well as retailing and hospitality (*e.g.*, accommodations, dining) facilities and services for the enjoyment of visitors that generate supplemental income, create and grow farm product markets *i.e.*, for local foods, and build understanding of agriculture. A working farm, ranch, aquaculture or agroforestry operation is defined as an area of land and buildings, or water (ponds, lakes, rivers, oceans), including within and around cities, that is currently being utilized to raise and grow domesticated animals, plants, trees, and freshwater and marine fish and shellfish, for food and beverages, including vegetables, fruits, herbs, meats, dairy products, oils, cereals, fish and shellfish, and products for direct sales to customers, and/or immediate consumption or enjoyment of customers, that are grown or processed there (*e.g.*, Christmas trees, pinyon seeds, ginseng, wool, wine, beer, cheeses, nursery plants).

An *on-farm market* is a single farm operation that sells agricultural and/or horticultural products directly to customers on its farm property or on property adjacent to its farm. Most products sold at the on-farm market are either grown on the proprietor's farm or are sourced from neighboring farms. An on-farm market may operate seasonally or year-round. On-farm markets are an important component of direct marketing, adding value by offering customers a visit to the farm and the opportunity to purchase products from the people who grew them.

A *CSA enterprise* is defined as a farm or network/association of multiple farms that offer customers regular (usually weekly) deliveries of locally-grown farm products during one or more harvest season(s) on a subscription or membership basis. Customers have access to a selected share or range of farm products offered by a single farm or group of farmers based on partial or total advance payment of a subscription or membership fee. The up-front working capital generated by selling shares reduces the financial risk to the farmer(s). Generally, farmers receive better prices for their crops and have reduced marketing costs. Consumers benefit by receiving a periodic (usually weekly) delivery of fresh locally-grown fruits, vegetables, meats, eggs and other produce. They also benefit from the ability to collectively support the sustainability of local farmers.

A *food hub* is a business or organization that actively manages the aggregation, distribution, and marketing of source-identified food products to multiple buyers from multiple producers, primarily local and regional producers, to strengthen the ability of these producers to satisfy local and regional wholesale, retail, and institutional demand. This marketing channel also allows farm operators to capture a larger share of consumers' food dollar.

This information will be used to continue building the USDA National Local Food Directories describing the characteristics of local food operations and working farms.

Topic areas in the survey:

- Characteristics of local food business
- Contact information
- Types of products sold
- Location of the business
- Operation schedule
- Activities

*Estimate of Burden:* Public reporting burden for this collection of information is estimated to average 5 minutes per entry.

*Respondents:* Local food businesses listing their information on USDA National Local Food Directories

*Estimated Number of Potential Respondents:* 15,000.

*Estimated Total Potential Annual Responses to all Surveys:* 500.

*Maximum Estimated Total Annual Burden on All Respondents:* 1,250 hours.

*Comments:* Comments are invited on: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will become a matter of public record.

**Melissa Bailey,**

*Associate Administrator, Agricultural Marketing Service.*

[FR Doc. 2025–01610 Filed 1–22–25; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF COMMERCE

### Foreign-Trade Zones Board

[B–3–2025]

#### **Foreign-Trade Zone (FTZ) 41, Notification of Proposed Production Activity; Zebra Technologies Corporation; (Computer Printing Products); Kenosha, Wisconsin**

Zebra Technologies Corporation submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Kenosha, Wisconsin within FTZ 41. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on January 13, 2025.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished products include: self-adhesive nameplates, labels, and sheets; plastic mounting components; cellular rubber articles; vulcanized rubber articles; paper packing material; rolls of labels; stylus tethers; straps; steel screws; steel wire springs; metal clips; AC power filter release instrument kits; cable routing tool kits; PCB removal tool kits and print head cam sync gauge kits; castors;

mounting brackets; thermal printers; thermal printer replacement components; tablets and mobile computers; data capturing and transmitting devices; point-of-sale parts; power supply adapters, cradles, and chargers; lithium-ion batteries; smartphones; data capturing and transmitting devices; location solution products; antennas; magnetic media cards; optical media cards; semiconductor media cards; monitors; real-time locating systems, components of location solution devices; cables with connectors/fittings used for telecommunication devices; cords and power cables; fixed mount industrial scanners; and fixed mount industrial scanner components (duty rate ranges from duty-free to 7.0%).

The proposed foreign-status materials/components include: plastic labels in roll; plastic labels in sheet; plastic end cap parts; plastic with textile labels; plastic bags; plastic caps/plugs/closures; plastic gaskets/seals/washers; plastic name plates, labels, mounts, straps, and ties; rubber gaskets and washer grommets; rubber grommets; corrugated boxes, printed paper labels; self-adhesive paper labels; paper core rolls for labels; paper packing spacers, pads, and inserts; single sheet instructions/manuals; instructions/manuals; instruction/manuals/brochures; stylus tethers; touchpad hand carrying straps and belt loops; lens filters; machine steel screws; steel screws with a diameter less than 6 millimeters; steel screws with a diameter greater than 6 millimeters; steel nuts; steel spring lock washers; flat steel washers; steel rivets; steel cotter pins; steel helical spring; steel extension spring; steel threaded standoff; aluminum belt tensioning device; hex key hand tools; AC power filter release tool kits; phone camera sync devices; maghead insertion cable devices; mirror mount brackets; metal brackets; thermal printers; printer heads; feeder roller; main PCB board; mobile computers and tablets; docking stations; barcode scanners, imagers, and scan engines; point of sale terminals; outer housing; display assembly; ball bearings; clutches, shafts couplings, and joints; chargers; charger parts; battery cells; lithium-ion batteries; cellphone devices; mobile computing devices; data transmitting devices; RFID antennas; aerial reflectors; CD-rom media; smart card media; wet inlay tags; digital cameras; real-time location tags; radio antennas for mobile devices; mobile computing device parts; main PCB board assembly and outer housing; coaxial connectors; mobile computing

device touch panel PCB; LED lights; paper-low sensor kits; cables for telecommunication devices; detachable power cables; flex cables (less than 80 volts); feedkey and flex cables for printers; ferrite; spectrometers; industrial fixed mount machine vision devices; printer ribbon high/low torque devices; and flipper deck level devices (duty rate ranges from duty-free to 4.5%). The request indicates that certain materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41). The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is March 4, 2025.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Kolade Osho at [Kolade.Osho@trade.gov](mailto:Kolade.Osho@trade.gov).

Dated: January 17, 2025.

**Elizabeth Whiteman,**  
Executive Secretary.

[FR Doc. 2025-01585 Filed 1-22-25; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-570-135]

#### Certain Chassis and Subassemblies Thereof From the People's Republic of China: Rescission of Antidumping Duty Administrative Review; 2023-2024

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

**SUMMARY:** The U.S. Department of Commerce (Commerce) is rescinding the antidumping duty (AD) order on certain chassis and subassemblies thereof (chassis) from the People's Republic of China (China) for the period of review

(POR) July 1, 2023, through June 30, 2024.

**DATES:** Applicable January 23, 2025.

**FOR FURTHER INFORMATION CONTACT:** Gemma Larsen, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-8125.

#### SUPPLEMENTARY INFORMATION:

##### Background

On July 8, 2021, Commerce published in the **Federal Register** the AD order on chassis from China.<sup>1</sup> On July 1, 2024, Commerce published in the **Federal Register** a notice of opportunity to request an administrative review of the *Order*.<sup>2</sup> On July 31, 2024, Commerce received a timely request from domestic producers of subject merchandise, the Coalition of American Chassis Manufacturers (Coalition), in accordance with 19 CFR 351.213(b)(1), to conduct an administrative review of the *Order* of the following exporters: (1) CIMC Vehicles (Group) Co., Ltd.; (2) Dongguan CIMC Vehicles Co., Ltd. (CIMC Vehicles); (3) Qingdao CIMC Special Vehicles Co., Ltd; and (4) SinoTrailers.<sup>3</sup>

On August 14, 2024, Commerce published in the **Federal Register** a notice of initiation of administrative review with respect to imports of chassis exported by the above Chinese exporters, in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act), and 19 CFR 351.221(c)(1)(i).<sup>4</sup> On August 22, 2024, we placed on the record U.S. Customs and Border Protection (CBP) data for entries of chassis from China during the POR, showing no reviewable POR entries, and invited interested parties to comment.<sup>5</sup> On August 29, 2024, CIMC Vehicles submitted comments requesting Commerce rescind the administrative review.<sup>6</sup>

On September 19, 2024, Commerce notified all interested parties of its intent to rescind the instant review in

<sup>1</sup> See *Certain Chassis and Subassemblies Thereof from the People's Republic of China: Antidumping Duty Order*, 86 FR 36093 (July 8, 2021) (*Order*).

<sup>2</sup> See *Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity to Request Administrative Review and Join Annual Inquiry Service List*, 89 FR 54437 (July 1, 2024).

<sup>3</sup> See Coalition's Letter, "Request for Administrative Review," dated July 31, 2024.

<sup>4</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 89 FR 66035 (August 14, 2024) (*Initiation Notice*).

<sup>5</sup> See Memorandum, "U.S. Customs and Border Protection (CBP) Data Release," dated August 22, 2024.

<sup>6</sup> See CIMC Vehicles' Letter, "Comments on CBP Data," dated August 29, 2024.

full because there were no reviewable, suspended entries of subject merchandise by any of the four companies listed in the *Initiation Notice* during the POR and invited comments from interested parties.<sup>7</sup> No interested party submitted comments to Commerce in response to this notice.

On December 9, 2024, Commerce tolled certain deadlines in this administrative proceeding by 90 days.<sup>8</sup> The deadline for the preliminary results is now July 1, 2025.

### Rescission of Review

Pursuant to 19 CFR 351.213(d)(3), it is Commerce's practice to rescind an administrative review of an AD order when there are no reviewable entries of subject merchandise during the POR for which liquidation is suspended.<sup>9</sup> Normally, upon completion of an administrative review, the suspended entries are liquidated at the AD assessment rate calculated for the review period.<sup>10</sup> Therefore, for an administrative review to be conducted, there must be a reviewable, suspended entry that Commerce can instruct CBP to liquidate at the AD assessment rate calculated for the review period.<sup>11</sup> As noted above, there were no entries of subject merchandise for the four companies listed in the *Initiation Notice* during the POR. Accordingly, in the absence of suspended entries of subject merchandise during the POR, we are hereby rescinding this administrative review, in its entirety, in accordance with 19 CFR 351.213(d)(3).

### Assessment

Commerce will instruct CBP to assess antidumping duties on all appropriate entries. Antidumping duties shall be assessed at rates equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i). Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of

publication of this rescission notice in the **Federal Register**.

### Administrative Protective Order (APO)

This notice serves as the only reminder to parties subject to an APO of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

### Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.213(d)(4).

Dated: January 16, 2025.

**Abdelali Elouaradia,**

*Deputy Assistant Secretary for Enforcement and Compliance.*

[FR Doc. 2025-01565 Filed 1-22-25; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XE522]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to National Oceanic and Atmospheric Administration Office of Marine and Aviation Operations Research Vessel Relocation at Naval Station Newport, Rhode Island

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

**ACTION:** Notice; request for comments on proposed renewal incidental harassment authorization.

**SUMMARY:** NMFS received a request from the U.S. Navy on behalf of the NOAA Office of Marine and Aviation Operations (OMAO) for the renewal of their currently active incidental harassment authorization (IHA) (hereinafter, the "Project") to take marine mammals incidental to construction activities associated with the relocation of NOAA research vessels at Naval Station Newport (NAVSTA) in Rhode Island. NOAA OMAO activities are nearly identical to those covered in the current authorization. Pursuant to the Marine Mammal Protection Act (MMPA), prior to issuing the currently

active IHA, NMFS requested comments on both the proposed IHA and the potential for renewing the initial authorization if certain requirements were satisfied. The renewal requirements have been satisfied, and NMFS is now providing an additional 15-day comment period to allow for any additional comments on the proposed renewal not previously provided during the initial 30-day comment period.

**DATES:** Comments and information must be received no later than February 7, 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.taylor@noaa.gov](mailto:ITP.taylor@noaa.gov). Electronic copies of the original application, renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. 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:** Jessica Taylor, 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

<sup>7</sup> See Memorandum, "Notice of Intent to Rescind Review," dated September 19, 2024.

<sup>8</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated December 9, 2024.

<sup>9</sup> See, e.g., *Dioctyl Terephthalate from the Republic of Korea: Rescission of Antidumping Administrative Review; 2021-2022*, 88 FR 24758 (April 24, 2023); see also *Certain Carbon and Alloy Steel Cut-to-Length Plate from the Federal Republic of Germany: Rescission of Antidumping Administrative Review; 2020-2021*, 88 FR 4157 (January 24, 2023); and *Lightweight Thermal Paper from Japan: Rescission of Antidumping Administrative Review; 2022-2023*, 89 FR 18373 (March 13, 2024).

<sup>10</sup> See 19 CFR 351.212(b)(1).

<sup>11</sup> See 19 CFR 351.213(d)(3).

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 such species or stocks for taking for certain subsistence uses (referred to here as “mitigation”); and requirements pertaining to the monitoring and reporting of the takings. The definition of all applicable MMPA statutory 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 the NMFS’s implementing regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an 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 Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. 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).

2. The request for renewal must include the following:

- 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
- 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.

3. 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.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>. Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

#### 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 a renewal IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 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 determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

#### History of Request

On December 21, 2022, NMFS announced issuance of an IHA to NOAA OMAO to take marine mammals incidental to construction activities associated with vessel relocation at NAVSTA in Newport, RI (87 FR 78072), effective from February 1, 2024 through January 31, 2025. On November 15, 2024, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, the applicant also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted.

#### Description of the Specified Activities and Anticipated Impacts

NOAA OMAO’s initial IHA authorized take of marine mammals incidental to construction activities associated with NOAA research vessel relocation at NAVSTA in Newport, RI. NOAA OMAO plans to establish adequate pier, shoreside, and support facilities for four NOAA research vessels in Coddington Cove at NAVSTA. All facilities must meet NOAA docking and berthing requirements for the four relocated research vessels. As part of this activity, a new pier, trestle, and bulkhead have been constructed over a total of approximately 191 days. Due to unanticipated delays, NOAA OMAO will be unable to complete the remaining activities before the expiration date of the current IHA. The

remaining necessary activities include removal of abandoned guide piles along the bulkhead, demolition of the current floating dock, installation of gangway support piles and fender piles, installation and removal of piles for a construction template, and construction of a small boat floating dock. Vibratory pile driving and removal, impact pile driving, and down-the-hole (DTH) mono-hammer pile installation would be used to complete these remaining construction activities. Approximately 110 days would be necessary to complete these remaining activities.

The potential impacts of NOAA OMAO's proposed activities on marine mammals could involve acoustic stressors and are unchanged from the impacts described in the notice of the proposed 2022 IHA (87 FR 66133, November 2, 2022). Underwater sound resulting from NOAA OMAO's activities has the potential to result in incidental take of marine mammals in the form of Level A harassment and Level B harassment in the specified geographic region.

This proposed renewal IHA is for the remainder of the work that will not be completed by the expiration date of the initial IHA. The renewal IHA would authorize incidental take, by Level A harassment and Level B harassment, of seven species (comprising seven stocks) of marine mammals for a subset of the construction activities to be completed in 1 year, in the same area, using identical construction methods (vibratory pile driving and removal, impact pile driving, and DTH mono-hammer pile installation) described in the initial IHA. Neither NOAA OMAO nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. The anticipated effects on marine mammals and the affected stocks also remain the same. All mitigation, monitoring, and reporting measures would remain exactly as described in the **Federal Register** notice of the initial IHA (87 FR 78072, December 21, 2022).

#### *Detailed Description of the Activity*

A detailed description of the construction activities for which incidental take is proposed here may be found in the notices of the proposed IHA (87 FR 66133, November 2, 2022) and final IHA (87 FR 78072, December 21, 2022) for the initial authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are nearly identical to those described in the previous notices. The only differences are in the timing of activities, as described here and in the renewal IHA

request. The NOAA OMAO proposed trestle rotary drilling, over a total of 4 in-water work days, and mono-hammer DTH drilling for bulkhead construction, over a total of 12 in-water work days. These actions were not required once construction activities began, thus there was a reduction of 16 in-water work days. In addition, 57 of the 30-inch steel pipe piles for the pier were installed incorrectly. These piles were cut at the mudline, but 57 new 30-inch steel pipe piles needed to be installed instead. The in-water work time for installing the 30-inch steel pipe piles was 4 piles/day, leading to an additional 15 in-water work days than was allotted for these piles. There was also a decrease of 45 in-water work days due to the ability to use a construction template that accommodates 12 piles instead of 4 piles. Lastly, construction activities did not occur concurrently, as previously proposed, and remaining construction activities are not proposed to occur concurrently. The proposed renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial IHA.

#### *Description of Marine Mammals*

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the proposed initial IHA (87 FR 66133, November 2, 2022). NMFS has reviewed the monitoring data from the initial IHA, recent Stock Assessment Reports (SARs), information on relevant Unusual Mortality Events, and other scientific literature and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the descriptions of marine mammals provided in the supporting documents for the initial IHA. Since the initial IHA was issued, NMFS released its final 2023 stock assessment reports (SARs). NMFS has reviewed the 2023 SARs, which included updates to certain stock abundances since the initial IHA was issued, information on relevant unusual mortality events (UME), and other scientific literature. The 2023 SARs updated information related to stock abundance for the common dolphin (172,974 to 93,100), harbor porpoise (95,543 to 85,765), and hooded seal (stock abundance is now unknown based upon uncertainty in available population estimates). Information related to the relatively small portion of the gray seal population found in U.S. waters was also updated. NMFS has

determined that neither this nor any other new information affects which species or stocks have the potential to be affected or any other pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

#### *Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which an authorization of incidental take is proposed here may be found in the notice of the proposed IHA for the initial authorization (87 FR 66133, November 2, 2022). NMFS has reviewed the monitoring data from the initial IHA, recent SARs, information on relevant Unusual Mortality Events, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

#### *Estimated Take*

A detailed description of the methods used to estimate take for the specified activity are found in the notices of the proposed and final IHAs for the initial authorization (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022). Specifically, the action area and marine mammal density and occurrence data applicable to this authorization remain unchanged from the initial and modified IHA. Similarly, source levels, type of activity, methods of take, and types of take remain unchanged from the initial and modified IHA. However, there are changes to the estimated Level A harassment zones based on the revised amount of piles driven per day and the 2024 draft Technical Guidance, further discussed below. The estimated number of takes proposed for authorization is based on the subset of activities to be completed under this renewal IHA, and therefore represents a proportion of the initial authorized takes. These takes reflect the estimated remaining number of days of work and number of piles to be driven. Estimated take by Level A and Level B harassment was calculated using the same methodology as in the initial and modified IHA.

On October 24, 2024 NMFS published (89 FR 84872) its final Updated Technical Guidance (<https://www.fisheries.noaa.gov/s3/2024-10/Tech-Memo-Guidance-3.0-OCT2024-508-OPR1.pdf>), which includes updated thresholds and weighting functions to inform auditory injury estimates and is

replacing the 2018 Technical Guidance referenced in the notices of the proposed and final IHAs for the initial authorization (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022). In consideration of the best available science, NMFS conducted calculations using the Updated

Technical Guidance and NMFS optional user spreadsheet, using the source levels and spreadsheet inputs provided in the notices for the proposed and final IHAs (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022), for the purpose of understanding how Level A harassment (auditory injury) zones

might change from the initial IHA. The relevant updated weighting functions may be found in the executive summary of the Updated Technical Guidance NMFS, 2024), on pg. 3. The updated marine mammal hearing groups and updated thresholds can be found in tables 1 and 2.

TABLE 1—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.

TABLE 2—ONSET OF AUDITORY INJURY (AUD INJ) [NMFS, 2024]

Hearing group	AUD INJ onset thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$ : 222 dB; $L_{E,p,LF,24h}$ : 183 dB	Cell 2: $L_{E,p,LF,24h}$ : 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$ : 230 dB; $L_{E,p,HF,24h}$ : 193 dB	Cell 4: $L_{E,p,HF,24h}$ : 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$ : 202 dB; $L_{E,p,VHF,24h}$ : 159 dB	Cell 6: $L_{E,p,VHF,24h}$ : 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$ : 223 dB; $L_{E,p,PW,24h}$ : 183 dB	Cell 8: $L_{E,p,PW,24h}$ : 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$ : 230 dB; $L_{E,p,OW,24h}$ : 185 dB	Cell 10: $L_{E,p,OW,24h}$ : 199 dB.

\* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

**Note:** Peak sound pressure level ( $L_{p,0-pk}$ ) has a reference value of 1  $\mu$ Pa, and weighted cumulative sound exposure level ( $L_{E,p}$ ) has a reference value of 1  $\mu$ Pa<sup>2</sup>s. In this Table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (i.e., 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds 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 thresholds 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 thresholds will be exceeded.

NMFS has also considered whether modifications to mitigation requirements, i.e., shutdown zones, would be appropriate in light of the Updated Technical Guidance. Based on the outcome of these analyses using the Updated Technical Guidance, updated Level A harassment zones are presented in table 3 as well as the Level A harassment zones from the initial IHA,

based on the 2018 Technical Guidance, for comparison. Mitigation zones, in consideration of the Updated Technical Guidance where appropriate, are discussed in *Description of Proposed Mitigation, Monitoring, and Reporting Measures section*. Although some estimated Level A harassment zones have increased using the 2024 guidance, consistent with the initial IHA, take by

Level A harassment for these species is not expected to exceed the amount of take initially authorized, in consideration of the reduced number of days of construction activity remaining. Maximum distances to the Level A harassment threshold for remaining construction activities are shown in table 3.

TABLE 3—REMAINING CONSTRUCTION ACTIVITIES AND MAXIMUM DISTANCES TO THE LEVEL A HARASSMENT THRESHOLDS

Structure	Pile size/type	Number of piles	Activity	Total days	Level A harassment distance (m) (auditory injury onset) <sup>1</sup>		
					Hf cetaceans <sup>2</sup>	Vhf cetaceans <sup>2</sup>	Phocids
Abandoned guide piles along bulkhead.	12-inch steel pipe pile ..	3	Vibratory extract (non-impulsive).	1	1.8 (0.3)	3.9 (5.3)	6.2 (2.2)
Floating dock demolition.	12-inch timber pile .....	4	Vibratory extract (non-impulsive).	1	1.4 (0.2)	3.0 (4.0)	4.7 (1.7)

TABLE 3—REMAINING CONSTRUCTION ACTIVITIES AND MAXIMUM DISTANCES TO THE LEVEL A HARASSMENT THRESHOLDS—Continued

Structure	Pile size/type	Number of piles	Activity	Total days	Level A harassment distance (m) (auditory injury onset) <sup>1</sup>		
					Hf cetaceans <sup>2</sup>	Vhf cetaceans <sup>2</sup>	Phocids
Fender Piles .....	16-inch steel pipe template pile.	96	Vibratory install/extract (non-impulsive).	48	5.0 (1.1)	10.6 (18.7)	16.8 (7.7)
	16-inch steel pipe pile ..	201	Vibratory install (non-impulsive).	48	6.6 (0.9)	13.9 (14.3)	22.0 (5.9)
Gangway support piles <sup>3</sup> .	18-inch steel pipe pile ..	4	Vibratory/impact (non-impulsive/impulsive).	2	4.1 (0.7)	8.8 (11.8)	13.8 (4.8)
		4	Impact install (impulsive).	2	68.8 (19.3)	834.6 (644.8)	479.1 (289.7)
Small Boat Floating Dock.	36-inch steel casing/shaft guide pile with rock socket.	2	Vibratory install (non-impulsive).	2	30.4 (5.2)	64.6 (86.6)	101.8 (35.6)
		2	Impact install (impulsive).	2	127.0 (35.5)	1,539.8 (1,189.5)	883.9 (534.4)
		2	DTH mono-hammer (impulsive/non-impulsive).	2	260.9 (73.0)	3,164.2 (2,444.5)	1,816.5 (1,098.2)
	4	16-inch steel pipe template pile.	4	Vibratory install/extract (non-impulsive).	2	6.6 (1.1)	13.9 (18.7)

<sup>1</sup> Level A harassment zones from the initial IHA are shown in parentheses.  
<sup>2</sup> Hf cetaceans = high-frequency cetaceans; vhf cetaceans = very high frequency cetaceans.  
<sup>3</sup> Gangway support piles would be in support of the small boat floating dock.

In this proposed renewal, use of the Updated Technical Guidance results in changes to the estimated Level A harassment zones, but there are no changes to the estimated Level B harassment zones. The updated Level A harassment zones are used to inform our understanding of potential take by Level A harassment. In table 4, total take numbers are based on the methodology that was included in the previous authorizations, incorporating the previously described changes (number

of piles per day and the Updated Technical Guidance). Takes are a proportion of the initial authorized takes and based on the days of work included in this renewal IHA. Level A harassment numbers have been held constant in reflection of the increases to estimated Level A harassment zone sizes. Proposed mitigation zones, in consideration of the updated isopleths, are discussed in the Proposed Mitigation section.

The number of takes proposed for authorization are a subset of the initial authorized takes, reflective of the updated generalized hearing ranges and distances to the Level A harassment threshold. The source levels, stocks taken, density values, methods of take, and types of take remain unchanged from the initial IHA. Estimated takes by Level A harassment and Level B harassment, based upon the number of remaining in-water work days, are indicated in table 4.

TABLE 4—PROPOSED NUMBER OF TAKES LEVEL A HARASSMENT AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Scientific name	Stock	Abundance	2022 authorized take		2024 proposed renewal		
				Take by Level A harassment	Take by Level B harassment	Proposed take by Level A harassment	Proposed take by Level B harassment	Max percent population
Atlantic white-sided dolphin.	<i>Lagenorhynchus acutus</i> .	Western North Atlantic.	193,233	0	16	0	<sup>2</sup> (3) 16	0.017
Common dolphin .....	<i>Delphinus delphis</i> ...	Western North Atlantic.	193,100	0	39	0	<sup>2</sup> (10) 28	0.030
Harbor porpoise .....	<i>Phocoena phocoena</i> .	Gulf of Maine/Bay of Fundy.	185,765	2	40	2	11	0.015
Harbor seal .....	<i>Phoca vitulina</i> .....	Western North Atlantic.	61,336	56	2,067	56	536	0.965
Gray seal .....	<i>Halichoerus grypus</i>	Western North Atlantic.	<sup>3</sup> 27,911	11	437	11	113	0.444
Harp seal .....	<i>Pagophilus groenlandicus</i> .	Western North Atlantic.	7.6 M	4	164	4	43	0.00006
Hooded seal .....	<i>Cystophora cristata</i>	Western North Atlantic.	UNK	0	10	0	<sup>4</sup> 5	UNK

<sup>1</sup> This estimate has been updated in the 2023 final stock assessment report.  
<sup>2</sup> Proposed take has been increased to mean group size (NUWC, 2017) for each species for which take estimates are less than mean group size. Calculated take estimate is in parentheses.  
<sup>3</sup> This abundance estimate applies to the U.S. population only. The maximum percent population requested for take is based upon the total stock abundance for the U.S. and Canada which is approximately 394,311 seals.  
<sup>4</sup> In the initial IHA, NOAA OMAO conservatively requested 1 take by Level B harassment of hooded seal per month of construction when this species may occur in the project area (January through May). Although NOAA OMAO estimated 1 take by Level B harassment of hooded seal for this renewal request, NMFS has increased this proposed take to 1 take by Level B harassment of hooded seal per month, January through May.

*Description of Proposed Mitigation, Monitoring and Reporting Measures*

The mitigation, monitoring, and reporting measures proposed here are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (87 FR 78072, December 21, 2022). In addition, the discussion of the least practicable adverse impact included in those documents as well as the notice of the proposed IHA (87 FR 66133, November 2, 2022) remains accurate. NMFS proposes the following measures for this renewal IHA:

*Implementation of shutdown zones:*

Marine mammal shutdown zones must be implemented for all pile driving activities. As shutdown zones are based upon the Level A harassment zone for each pile type/size and activity,

shutdown zones have been updated since the issuance of the initial IHA (87 FR 78072, December 21, 2022) and are shown in table 5. However, as in the initial IHA, required shutdown zones would be limited to a radial distance of 200 m from the acoustic source (87 FR 78072, December 21, 2022). Shutdown zones must be implemented and monitored by NMFS-approved protected species observers (PSOs) as follows:

- A minimum shutdown zone of 10 m would be applied for all in-water construction activities if the Level A harassment zone is less than 10 meters (m);
- 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 4 or 15 minutes have passed without re-detection of the animal; and

- 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 the harassment zone.

If a marine mammal enters the Level B harassment zone, in-water work would proceed and PSOs would document the marine mammal's presence and behavior. Level B harassment zones remain unchanged since issuance of the initial IHA and are shown in table 12 of the **Federal Register** notice of the final IHA (87 FR 78072, December 21, 2022).

TABLE 5—SHUTDOWN ZONES BY ACTIVITY

Pile type/size	Driving method	Shutdown zone (m)	
		Cetaceans	Pinnipeds
12-inch steel pipe .....	Vibratory .....	10	10
12-inch timber .....	Vibratory extraction .....	10	10
16-steel pipe .....	Vibratory install/extract .....	15	22
18-steel pipe .....	Impact install .....	<sup>1</sup> 200	<sup>1</sup> 200
	Vibratory install .....	10	15
36-steel pipe .....	Impact install .....	<sup>1</sup> 200	<sup>1</sup> 200
	Vibratory install .....	65	102
36-inch shafts .....	DTH Mono-hammer .....	<sup>1</sup> 200	<sup>1</sup> 200

<sup>1</sup> Distance to shutdown zone distances limited to 200 m from the acoustic source, as described in the **Federal Register** notices for the proposed and final initial IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022).

*Visual Monitoring*—Monitoring must be conducted by NMFS-approved PSOs with minimum qualifications as described in the **Federal Register** notices for the proposed and final initial IHA (87 FR 66133, November 2, 2022; 87 FR 78072, December 21, 2022). Visual monitoring would be conducted by a minimum of two trained PSOs positioned at suitable vantage points. Any activity for which the Level B harassment isopleth would exceed 1,900 meters would require a minimum of three PSOs to effectively monitor the entire Level B harassment zone. Where a team of three or more PSOs is required, a lead observer or monitoring coordinator would be designated. PSOs would likely be located on Gould Island South, Gould Island Pier, Coddington Point, Bishop Rock, Breakwater, or Taylor Point as shown in figure 11–1 in the application for the initial IHA. The lead observer would be required to have prior experience working as a marine mammal observer during construction. All PSOs would have access to high-quality binoculars, range finders to monitor distances, and a compass to

record bearing to animals as well as radios or cell phones for maintaining contact with work crews. Monitoring would be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs would record all incidents of marine mammal occurrence, regardless of distance from activity, and would document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving 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. *Pre-start Clearance Monitoring*—Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs would monitor the shutdown, Level A harassment, and Level B harassment for a period of 30 minutes. Pile driving 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 within the shutdown zones listed in table 4, construction activity would be delayed until the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in table 4 or has not been observed for 15 minutes. When a marine mammal for which Level B harassment take is authorized is present in the Level B harassment zone, activities would begin or continue, and an observation of the marine mammal occurrence in the Level B harassment zone would be recorded. A determination that the shutdown zone is clear must be made during a period of good visibility (*i.e.*, the entire shutdown zone and surrounding waters are visible). If the shutdown zone is obscured by fog or poor lighting conditions, in-water construction activity would not be initiated until the entire shutdown zone is visible. *Soft Start*—Soft-start procedures are used to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact

pile driving, contractors would be required to provide an initial set of three strikes from the hammer at reduced energy, followed by a 30-second waiting period, then two subsequent reduced-energy strike sets. Soft start would be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer.

**Hydro-acoustic Monitoring**—NOAA OMAO would implement in situ acoustic monitoring efforts to measure sound pressure levels (SPLs) from in-water construction activities by collecting and evaluating acoustic sound recording levels during activities. Stationary hydrophones would be placed 33 ft (10 m) from the noise source, in accordance with NMFS' most recent guidance for the collection of source levels. If there is the potential for Level A harassment, a second monitoring location would be set up at an intermediate distance between cetacean/phocid shutdown zones and Level A harassment zones. Hydrophones would be deployed with a static line from a stationary vessel. Locations of hydro-acoustic recordings would be collected via GPS. A depth sounder and/or weighted tape measure would be used to determine the depth of the water. The hydrophone would be attached to a weighted nylon cord or chain to maintain a constant depth and distance from the pile area. The nylon cord or chain would be attached to a float or tied to a static line.

Each hydrophone would be calibrated at the start of each action and would be checked frequently to the applicable standards of the hydrophone manufacturer. Environmental data would be collected, including but not limited to, the following: wind speed and direction, air temperature, humidity, surface water temperature, water depth, wave height, weather conditions, and other factors that could contribute to influencing the airborne and underwater sound levels (*e.g.*, aircraft, boats, *etc.*). The chief inspector would supply the acoustics specialist with the substrate composition, hammer or drill model and size, hammer or drill energy settings and any changes to those settings during the piles being monitored, depth of the pile being driven or shaft excavated, and blows per foot for the piles monitored. For acoustically monitored piles and shafts, data from the monitoring locations would be post-processed to obtain the following sound measures:

- Maximum peak pressure level recorded for all the strikes associated with each pile or shaft, expressed in dB

re 1  $\mu$ Pa. For pile driving and DTH mono-hammer excavation, this maximum value would originate from the phase of pile driving/drilling during which hammer/drill energy was also at maximum (referred to as level 4); and

- From all the strikes associated with each pile occurring during the level 4 phase these additional measures would be made: mean, median, minimum, and maximum root mean square (RMS) pressure level in [dB re 1  $\mu$ Pa]; mean duration of a pile strike (based on the 90 percent energy criterion); and number of hammer strikes. The cumulative SEL would be computed from all the strikes associated with each pile occurring during all phases, (*i.e.*, soft-start, level 1 to level 4). This measure is defined as the sum of all single strike SEL values. The sum is taken of the antilog, with log<sub>10</sub> taken of result to express in [dB re  $\mu$ Pa<sup>2</sup> s].

Hydro-acoustic monitoring would be conducted for at least 10 percent and up to 10 of each different pile type for each method of installation as shown in Table 13–1 in the application for the initial IHA. All acoustic data would be analyzed after the project period for pile driving and DTH mono-hammer excavation events to confirm SPLs and rate of transmission loss for each construction activity.

**Training**—NOAA OMAO and the Navy shall conduct briefings between construction supervisors and crews, PSOs, NOAA OMAO and Navy staff prior to the start of all pile driving activities and when new personnel join the work. These briefings would explain responsibilities, communication procedures, marine mammal monitoring protocol, and operational procedures.

**Reporting**—PSOs must record specific information as described in the **Federal Register** notice of the issuance of the initial IHA (87 FR 78072, December 21, 2022). NOAA OMAO would submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving 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. If no comments are received from NMFS within 30 days, the draft report would constitute the final report. If comments are received, a final report addressing NMFS' comments would be required to be submitted within 30 days after receipt of comments. All PSO datasheets and/or raw sighting data would be submitted with the draft marine mammal report. NOAA OMAO must also provide a hydro-acoustic monitoring report based upon hydro-acoustic monitoring conducted during

construction activities as described in the **Federal Register** notice for the issuance of the initial IHA (87 FR 78072, December 21, 2022).

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, NOAA OMAO would report the incident to the Office of Protected Resources (OPR) (*PR.ITP.MonitoringReports@noaa.gov*), NMFS and to the Northeast Region (GARFO) regional stranding coordinator as soon as feasible. If the death or injury was clearly caused by the specified activity, NOAA OMAO would immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHAs. NOAA OMAO would not resume their activities until notified by NMFS.

#### Comments and Responses

As noted previously, NMFS published a notice of a proposed IHA (87 FR 66133, November 2, 2022) and solicited public comments on both our proposal to issue the initial IHA for construction activities associated with the relocation of NOAA vessels to NAVSTA and on the potential for a renewal IHA, should certain requirements be met. No public comments were received on the proposed IHA.

#### Preliminary Determinations

NOAA OMAO's activities are a subset but otherwise unchanged from those analyzed in support of the initial IHA. The effects of the activity, taking into consideration the proposed mitigation and related monitoring measures, remain unchanged from those evaluated in support of the initial IHA.

NMFS has preliminarily concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the updated acoustic guidance resulting in updated distances to the Level A harassment thresholds and estimated abundance of common dolphin and harbor porpoise stocks decreasing slightly based upon the 2023 SAR. Based on the information and analysis contained here and in the referenced documents, NMFS has preliminarily determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes

represent small numbers of marine mammals relative to the affected stock abundances; (4) NOAA OMAO's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 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 proposed action.

### Proposed Renewal IHA and Request for Public Comment

As a result of these preliminary determinations, NMFS proposes to issue a renewal IHA to NOAA OMAO for conducting construction activities associated with NOAA vessel relocation at NAVSTA in Newport, RI through January 31, 2026, provided the previously described mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed and final initial IHA can be found at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. We request comment on our analyses, the proposed renewal IHA, and any other aspect of this notice. Please include with your comments any supporting data or literature citations to help inform our final decision on the request for this renewal IHA.

Dated: January 17, 2025.

#### Kimberly Damon-Randall,

Director, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. 2025-01617 Filed 1-22-25; 8:45 am]

BILLING CODE 3510-22-P

## DEPARTMENT OF DEFENSE

### Department of the Army, Corps of Engineers

#### Withdrawal of the Notice of Intent To Prepare a Draft Environmental Impact Statement (DEIS) for the Riverport Development and Proposed New Interchange on I-95 in Jasper County, South Carolina

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DoD.

**ACTION:** Notice of intent; withdrawal.

**SUMMARY:** The U.S. Army Corps of Engineers, Charleston District (the Corps) is issuing this notice to advise Federal, State, and local governmental agencies and the public that the Corps is withdrawing the notice of intent to prepare a Draft Environmental Impact Statement (DEIS) for the Riverport Development and Proposed New Interchange on I-95 in Jasper County, South Carolina.

**DATES:** The notice of intent to prepare a DEIS in the **Federal Register** on August 1, 2014 (79 FR 44756), is withdrawn as of January 23, 2025.

**ADDRESSES:** U.S. Army Corps of Engineers, Charleston District; Attn: Leslie Estill, 69A Hagood Avenue, Charleston, SC 29403.

**FOR FURTHER INFORMATION CONTACT:** For further information and/or questions about withdrawal of the Notice of Intent, please contact Leslie Estill, Project Manager, by *email*: [Leslie.A.Estill@usace.army.mil](mailto:Leslie.A.Estill@usace.army.mil), or by *mail*: Leslie Estill, Project Manager, Regulatory Division, 69A Hagood Avenue, Charleston, South Carolina 29403. For media inquiries, please contact the Corps, Charleston District Corporate Communications Officer (CCO), Ms. Glenn Jeffries by *telephone*: (843) 329-8123.

**SUPPLEMENTARY INFORMATION:** The Corps is evaluating an updated (third) DA permit application, dated September 27, 2022, from SLF III—Hardeeville, LLC (aka Stratford Land) for the Riverport-Exit 3 project (SAC-2010-00064) in accordance with Corps regulations and the policies and procedures that are established in the National Environmental Policy Act (NEPA). The proposed Riverport-Exit 3 project requires authorization under section 404 of the Clean Water Act (33 U.S.C. 1344), and the Corps previously advertised a public notice for the updated (third) DA permit application on November 23, 2022 (see <https://www.sac.usace.army.mil/Missions/Regulatory/Public-Notices/Article-View/Article/3226964/sac-2010-00064/>). The

Riverport-Exit 3 project consists of the construction of a mixed-use development including industrial, commercial, civic, and residential uses. In detail, the proposed project is a master planned development at the 4,304.65-acre Riverport Tract situated north and south of I-95, with improvements to the existing two-lane Purrysburg Road as well as a new interchange with I-95 at Mile Marker 3. The residential development (including 3,339 residential dwelling units) would occupy the project area north of I-95, the commercial and civic development (2.6 million square feet of space to include restaurant and hotel, grocery store, hospital, and office/retail space) would be situated along both sides of the new interchange, and the industrial development (including over 10.6 million square feet of warehouse space) would occupy the southern portion of the site. A portion of Purrysburg Road would be replaced by the proposed Riverport Parkway, which would be a divided roadway for the length of the development, crossing I-95 at Exit 3 (proposed). The southern industrial portion of Riverport Parkway would be four-lanes, and the northern residential portion of Riverport Parkway would be two-lanes.

On August 1, 2014, the Corps issued a Notice of Intent to prepare a DEIS for the Riverport Development and Proposed New Interchange on I-95 in Jasper County, South Carolina (SAC-2010-00064) (the Riverport-Exit 3 project). Over the last ten years, the permit applicant, SLF III—Hardeeville, LLC (aka Stratford Land), has substantially modified the proposed master plan and the footprint of the proposed Riverport-Exit 3 project several times. As a result, the updated (third) Department of the Army (DA) permit application for the Riverport-Exit 3 project, dated September 27, 2022, has also changed substantially. For instance, the overall project footprint has decreased from 5,136 acres to approximately 4,304.65 acres, impacts to waters of the United States have decreased from 102.16 acres to 46.26 acres, and the mitigation plan has been updated to include an increase that results in obtaining 50% more credit than what is the required amount. Due to these developments, the Corps has elected to proceed with preparing an Environmental Assessment (EA) to evaluate the potential significance of the updated (third) DA permit application for the Riverport-Exit 3 project (see 40 CFR 1501.3(c)(2) and 1501.5(a)) and withdraw the notice of intent to prepare a DEIS for the earlier version of the

project (see 33 CFR part 325, app. B., par. 8.g.).

**Daniel H. Hibner,**

*Brigadier General, U.S. Army Corps of Engineers, South Atlantic Division.*

[FR Doc. 2025–01529 Filed 1–22–25; 8:45 am]

BILLING CODE 3720–58–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD25–4–000]

#### Interregional Transfer Capability Study: Strengthening Reliability Through the Energy Transformation

##### Correction

In notice document 2024–30493, appearing on pages 105790 through 105983 in the issue of Friday, December 27, 2024, make the following correction:

On page 105790, in the first column, in the document heading, the Docket No. should appear as above.

[FR Doc. C1–2024–30493 Filed 1–22–25; 8:45 am]

BILLING CODE 0099–10–D

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15045–002]

#### Current Hydro Project 19, LLC; Notice of Application Accepted for Filing and Soliciting 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. *Type of Application:* Original Major License.

b. *Project No.:* 15045–002.

c. *Date Filed:* May 8, 2024.

d. *Applicant:* Current Hydro Project 19, LLC.

e. *Name of Project:* New Cumberland Hydroelectric Project.

f. *Location:* The New Cumberland Project would be located at the U.S. Army Corps of Engineers' (Corps) New Cumberland Locks and Dam on the Ohio River in Hancock County, West Virginia. The project would occupy 2 acres of Federal land administered by the Corps.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Jeremy King, Current Hydro, LLC, 3120 Southwest Freeway, Suite 101, PMB 50808, Houston, TX 77098.

i. *FERC Contact:* Colleen Corballis at (202) 502–8598 or [colleen.corballis@ferc.gov](mailto:colleen.corballis@ferc.gov); or Shivani Khetani at (212) 273–5917 or [Shivani.khetani@ferc.gov](mailto:Shivani.khetani@ferc.gov).

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOOnline.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 [FERCOOnlineSupport@ferc.gov](mailto:FERCOOnlineSupport@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: New Cumberland Hydroelectric Project (P–15045–002).

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.

l. The New Cumberland Project would be located at the Corps' existing New Cumberland Locks and Dam and would consist of the following new facilities: (1) a 101-foot-wide, 193-foot-long reinforced concrete powerhouse; (2) a 90-foot-wide by 350-foot-long intake section with trash racks; (3) two identical Kaplan pit turbine-generators with a combined capacity of 19.99 megawatts; (4) a 13.8-kilovolt (kV), 180-foot-long underground utilidor crossing under the Norfolk Southern railway and transitioning to a 350-foot overhead transmission to the powerhouse-substation; (5) a 90-foot-wide by 90-foot-long powerhouse-substation; (6) a 1,050-foot-long, 34.5-kV, three-phase overhead

transmission line connecting the powerhouse-substation to the existing 35-kV transmission line, east of Hancock County Bus Garage interconnection point in West Virginia; and (7) appurtenant facilities.

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 [FERCOOnlineSupport@ferc.gov](mailto:FERCOOnlineSupport@ferc.gov) or call toll free, (886) 208–3676 or TTY (202) 502–8659.

You may also register online at <https://ferconline.ferc.gov/FERCOOnline.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, environmental justice communities, 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](mailto:OPP@ferc.gov).

o. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

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, and .214. 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.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

p. *Procedural Schedule*: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments—April 2025

Comments on Scoping Document 1 due—May 2025

Request Additional Information (if necessary)—June 2025

Issue Scoping Document 2 (if necessary)—June 2025

Dated: January 16, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-01580 Filed 1-22-25; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 15230-002]

#### **Pike Island Hydropower Corporation; Notice of Application Accepted for Filing and Soliciting 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. *Type of Application*: Original Major License.

b. *Project No.*: 15230-002.

c. *Date Filed*: May 14, 2024.

d. *Applicant*: Pike Island Hydropower Corporation.

e. *Name of Project*: Pike Island Hydroelectric Project (Pike Island Project).

f. *Location*: The Pike Island Project would be located at the U.S. Army Corps of Engineers' (Corps) Pike Island Locks and Dam on the Ohio River in Belmont County, Ohio. The project would occupy 2 acres of Federal land administered by the Corps.

g. *Filed Pursuant to*: Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact*: Mr. Jeremy King, Current Hydro, LLC, 3120 Southwest Freeway, Suite 101, PMB 50808, Houston, TX 77098.

i. *FERC Contact*: Colleen Corballis at (202) 502-8598 or [colleen.corballis@ferc.gov](mailto:colleen.corballis@ferc.gov); or Shivani Khetani at (212) 273-5917 or [Shivani.khetani@ferc.gov](mailto:Shivani.khetani@ferc.gov).

j. *Deadline for filing motions to intervene and protests*: 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests 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](mailto: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: Pike Island Hydroelectric Project (P-15230-002).

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.

l. The Pike Island Project would be located the Corps' existing Pike Island

Locks and Dam and would consist of the following new facilities: (1) a 101-foot-wide, 193-foot-long reinforced concrete powerhouse; (2) a 90-foot-wide, 110-foot-long intake section with trash racks; (3) two Kaplan pit turbine-generators with a combined capacity of 19.99 megawatts; (4) a 95-foot-wide, 150-foot-long tailrace channel; (5) a 13.8-kilovolt (kV), 550-foot-long underground utilidor crossing under River Road; (6) a 2,223 foot-long, 69-kV, three phase overhead transmission line connecting the powerhouse substation to the 69-kV Glenn Run-Tiltonsville interconnection point in Ohio; and (7) appurtenant facilities.

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](mailto:FERCOnlineSupport@ferc.gov) or call toll free, (866) 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, environmental justice communities, 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](mailto:OPP@ferc.gov).

o. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to

submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

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, and .214. 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.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (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 protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

*p. Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments—April 2025

Comments on Scoping Document 1 due—May 2025

Request Additional Information (*if necessary*)—June 2025

Issue Scoping Document 2 (*if necessary*)—June 2025

Dated: January 16, 2025.

**Debbie-Anne A. Reese,**  
*Secretary.*

[FR Doc. 2025–01579 Filed 1–22–25; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 3407–088]

#### Big Wood Canal Company; Notice Soliciting Applications and Waiving Regulations

On January 3, 2022, Big Wood Canal Company, licensee for the Magic Dam Hydroelectric Project No. 3407 (project), filed a Notice of Intent (NOI) to file an application for a new license for the project pursuant to section 15(b)(1) of the Federal Power Act (FPA).<sup>1</sup> On March 1, 2022, Commission staff issued public notice of the NOI and approved the use of the traditional licensing process to develop the license application. The current license for the project expires on December 31, 2026.<sup>2</sup>

The 9-megawatt project is located on the Big Wood River in Blaine and Camas Counties, Idaho. The project consists of: (1) a 640-foot-long, 128-foot-high earth-filled dam; (2) a 1,260-foot-long, 50-foot-high dike; (3) a 1,200-foot-long spillway structure; (4) a 3,740-acre reservoir with a storage capacity of approximately 191,500 acre-feet at an elevation of 4,798 feet; (5) a 37-foot-high intake tower; (6) a 620-foot-long, 132-inch-diameter outlet conduit leading to a 170-foot-long, 132-inch-diameter penstock connecting to a powerhouse; (7) a powerhouse containing three generating units with a combined capacity of 9 megawatts; (8) a 9.2-mile-long, 4.16 kilovolt transmission line; and (9) appurtenant facilities. The average annual energy generation of the project is approximately 14.3 gigawatt-hours.

Pursuant to section 15(c)(1) of the FPA<sup>3</sup> and section 16.9 of the Commission's regulations,<sup>4</sup> an existing licensee must file an application for a new license at least 24 months prior to the expiration of the current license. As stated above, Big Wood Canal Company's NOI indicated that it would

<sup>1</sup> 16 U.S.C. 808(b)(1).

<sup>2</sup> Cook Electric, Inc., who transferred the license to Magic Reservoir Hydroelectric Inc., who subsequently transferred the license to Big Wood Canal Company, was issued a major license for the project on January 15, 1987, for a term of 40 years, effective the first day of the month in which the order was issued. *See Cook Electric, Inc.*, 38 FERC ¶ 62,034 (1987); *Cook Elec., Inc. and Magic Reservoir Hydroelectric, Inc.*, 44 FERC ¶ 62,144 (1988); *Magic Reservoir Hydroelectric, Inc. and Big Wood Canal Co.*, 166 FERC ¶ 62,037 (2019). Therefore, the license would expire on December 31, 2026, and the statutory deadline for filing a new license application was December 31, 2024. *See FPA 15(c)(1)*, 16 U.S.C. 808(c)(1).

<sup>3</sup> 16 U.S.C. 808(c)(1).

<sup>4</sup> 18 CFR 16.9 (2024).

file an application for a new license; however, it did not file an application for a new license for the project by the December 31, 2024 deadline. Instead, on December 31, 2024, Big Wood Canal Company requested a 3-month extension of time to file its final license application.<sup>5</sup>

The statutory date for filing a final license application cannot be waived.<sup>6</sup> Therefore, the request for an extension of time to file a final license application for the Magic Dam Hydroelectric Project was denied. Pursuant to section 16.25(a) of the Commission's regulations, the Commission is soliciting applications from potential applicants. This solicitation is necessary because the deadline for filing an application for a new license and any competing license applications, pursuant to section 16.9 of the Commission's regulations, was December 31, 2024, and no other license applications for this project were filed.

With this notice, we are waiving those parts of section 16.24(a) and 16.25(a) which bar an existing licensee that missed the two-year application filing deadline from filing another application. Further, because Big Wood Canal Company completed the pre-filing consultation requirements pursuant to Part 4 of the Commission's regulations, we are waiving the consultation requirements in section 16.8(b) and (c) for the existing licensee. Consequently, Big Wood Canal Company will be allowed to file a license application and compete for the license.

The licensee is required to make available certain information described in section 16.7 of the regulations. For more information from the licensee, please contact Big Wood Canal Company's authorized agent Mr. Peter Josten, 2742 Saint Charles Avenue, Idaho Falls, ID 83404, (208) 339–3542.

Pursuant to section 16.25(b), a potential applicant that files a notice of intent within 90 days from the date of this notice: (1) may apply for a license under Part I of the FPA and Part 4 (except section 4.38) of the Commission's regulations within 18 months of the date on which it files its notice; and (2) must comply with sections 16.8 and 16.10 of the Commission's regulations.

Questions concerning this notice should be directed to Amy Chang at (202) 502–6154 or email at [amy.chang@ferc.gov](mailto:amy.chang@ferc.gov).

<sup>5</sup> *See Big Wood Canal Company December 31, 2024 Request for Extension.*

<sup>6</sup> *See Pacific Gas and Elec. Co.*, 98 FERC ¶ 61,032 (2002), *reh'g denied*, 99 FERC ¶ 61,045 (2002).

Dated: January 14, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-01429 Filed 1-22-25; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Privacy Act of 1974; System of Records

**AGENCY:** Federal Energy Regulatory Commission (FERC), Department of Energy (DOE).

**ACTION:** Notice of a modified system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, all agencies are required to publish in the **Federal Register** a notice of their systems of records. Notice is hereby given that the Federal Energy Regulatory Commission (FERC) is publishing notice of modifications to an existing FERC system of records titled “FERC Transit Subsidy Program (TSP) Records (FERC-41)” previously titled “FERC Transit Subsidy Program (TSP) (FERC-41).”

**DATES:** Comments on this modified system of records must be received no later than 30 days after the date of publication in the **Federal Register** by FERC. The modified system of records will become effective a minimum of 30 days after the date of publication in the **Federal Register**. If FERC receives public comments, FERC shall review the comments to determine whether any changes to the notice are necessary.

**ADDRESSES:** Comments may be submitted in writing to Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426 or electronically to [privacy@ferc.gov](mailto:privacy@ferc.gov). Comments should indicate that they are submitted in response to “*FERC Transit Subsidy Program (TSP) Records (FERC-41)*.”

**FOR FURTHER INFORMATION CONTACT:** Mittal Desai, Chief Information Officer & Senior Agency Official for Privacy, Office of the Executive Director, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6432 or [privacy@ferc.gov](mailto:privacy@ferc.gov).

**SUPPLEMENTARY INFORMATION:** In accordance with the Privacy Act of 1974, FERC is updating this notice and republishing it in its entirety. This notice has three (3) new routine uses, routine uses 10, 12 and 13, and updates were made to the language of routine uses 6, 9, and 11. In addition, FERC is amending the following sections to

reflect changes made since the publication of the last notice in the **Federal Register**: dates; addresses; for further information contact; system name and number; system location; system manager(s); purpose(s) of the system; categories of individuals covered by the system; categories of records in the system; policies and practices for storage of records; policies and practices for retention and disposal of records; administrative, technical, and physical safeguards; record access procedures; contesting records procedures; notification procedures; and history.

**SYSTEM NAME AND NUMBER:**

FERC Transit Subsidy Program (TSP) Records (FERC-41).

**SECURITY CLASSIFICATION:**

Unclassified.

**SYSTEM LOCATION:**

Federal Energy Regulatory Commission, Logistics Management Division, Logistics Operations and Publishing Services, 888 First Street NE, Washington, DC 20426.

**SYSTEM MANAGER(S):**

Tyrone Simpkins, Logistics Operations Branch Chief, Logistics Operations and Publishing Services, Logistics Management Division, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, (202) 502-6639.

**AUTHORITY FOR MAINTENANCE OF THE SYSTEM:**

41 CFR 101-6.3; Public Law 103-172, 5 U.S.C. 7905.

**PURPOSE(S) OF THE SYSTEM:**

The purpose of the system is to support the overall management of transit subsidy operations for the agency. The application is used to submit applications for the federal government’s transit subsidy benefits program and to request transit subsidies; to track employees’ commuting expenses; and to monitor the program budget.

**CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:**

The categories of individuals covered by the system are FERC employees enrolled in the transit benefits program.

**CATEGORIES OF RECORDS IN THE SYSTEM:**

The categories of records in the system include employee’s name, supervisor’s name, office, home address, office and personal telephone number, special circumstances (senior citizen or disabled), number of days commuting, monthly commuting cost, SmarTrip

card number, and mode of transportation.

**RECORD SOURCE CATEGORIES:**

Information is obtained from current employees seeking to participate in the federal government’s employee transit subsidy benefits program.

**ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:**

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, information maintained in this system may be disclosed to authorized entities outside FERC for purposes determined to be relevant and necessary as a routine use pursuant to 5 U.S.C. 552a(b)(3) are as follows:

1. To appropriate agencies, entities, and persons when (a) FERC suspects or has confirmed that there has been a breach of the system of records; (b) FERC has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, the Commission (including its information systems, programs, and operations), the Federal Government, or national security; and (c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Commission’s efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

2. To another Federal agency or Federal entity, when FERC determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (a) responding to a suspected or confirmed breach; or (b) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

3. To a congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of that individual.

4. To the Equal Employment Opportunity Commission (EEOC) when requested in connection with investigations of alleged or possible discriminatory practices, examination of Federal affirmative employment programs, or other functions of the Commission as authorized by law or regulation.

5. To the Federal Labor Relations Authority or its General Counsel when requested in connection with investigations of allegations of unfair

labor practices or matters before the Federal Service Impasses Panel.

6. To disclose information to another Federal agency, to a court, or a party in litigation before a court or in an administrative proceeding being conducted by a Federal agency, when the Government is a party to the judicial or administrative proceeding. In those cases where the Government is not a party to the proceeding, records may be disclosed if a subpoena has been signed by a judge.

7. To the Department of Justice (DOJ) for its use in providing legal advice to FERC or in representing FERC in a proceeding before a court, adjudicative body, or other administrative body, where the use of such information by the DOJ is deemed by FERC to be relevant and necessary to the advice or proceeding, and such proceeding names as a party in interest: (a) FERC; (b) any employee of FERC in his or her official capacity; (c) any employee of FERC in his or her individual capacity where DOJ has agreed to represent the employee; or (d) the United States, where FERC determines that litigation is likely to affect FERC or any of its components.

8. To non-Federal Personnel, such as contractors, agents, or other authorized individuals performing work on a contract, service, cooperative agreement, job, or other activity on behalf of FERC or Federal Government and who have a need to access the information in the performance of their duties or activities.

9. To the National Archives and Records Administration in records management inspections and its role as Archivist.

10. To the Merit Systems Protection Board or the Board's Office of the Special Counsel, when relevant information is requested in connection with appeals, special studies of the civil service and other merit systems, review of OPM rules and regulations, and investigations of alleged or possible prohibited personnel practices.

11. To appropriate Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, if the information may be relevant to a potential violation of civil or criminal law, rule, regulation, order.

12. To appropriate agencies, entities, and person(s) that are a party to a dispute, when FERC determines that information from this system of records is reasonably necessary for the recipient to assist with the resolution of the dispute; and the information may include the name, address, telephone number, email address, and affiliation of the agency, entity, and/or person(s)

seeking and/or participating in dispute resolution services, where appropriate.

13. To Office of Personnel Management (OPM) or Government Accountability Office (GAO) during the course of on-site inspections or human resources audits.

**POLICIES AND PRACTICES FOR STORAGE OF RECORDS:**

Records are maintained in electronic format and stored by individuals first and last names on an internal web-based application. In addition, all FERC employees and contractors with authorized access have undergone a thorough background security investigation. Data access is restricted to agency personnel or contractors whose responsibilities require access. Access to electronic records is controlled by the organization's Single Sign-On and Multi-Factor Authentication Solution. Role based access is used to restrict electronic data access and the organization employs the principle of least privilege, allowing only authorized users with access (or processes acting on behalf of users) necessary to accomplish assigned tasks in accordance with organizational missions and business functions.

**POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:**

Records may be retrieved by employee's name or SmarTrip card number.

**POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:**

Records are retained in accordance with the following applicable National Archives and Records Administration (NARA) schedules:

1. General Records Schedule (GRS) 2.4: Employee Compensation and Benefits Records, Item 130: Disposition Authority: DAA-GRS-2016-0015-0017. Temporary. Destroy when 3 years old, but longer retention is authorized if required for business use.

2. General Records Schedule (GRS) 2.4: Employee Compensation and Benefits Records, Item 131: Disposition Authority: DAA-GRS-2016-0015-0018. Temporary. Destroy 2 years after employee participation concludes, but longer retention is authorized if required for business use.

3. General Records Schedules (GRS) 5.2: Transition and Intermediary Records. Item 020: Disposition Authority: DAA-GRS-2022-0009-0002. Temporary. Destroy upon creation or update of the final record, or when no longer needed for business use, whichever is later.

**ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:**

See Policies and Practices for Storage of Records.

**RECORD ACCESS PROCEDURES:**

Individuals requesting access to the contents of records must submit a request through the Freedom of Information Act (FOIA) office. The FOIA website is located at: <https://www.ferc.gov/foia>. Requests may be submitted through the following portal: <https://www.ferc.gov/enforcement-legal/foia/electronic-foia-privacy-act-request-form>. Written requests for access to records should be directed to: Director, Office of External Affairs, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

**CONTESTING RECORD PROCEDURES:**

See Records Access procedures.

**NOTIFICATION PROCEDURES:**

Generalized notice is provided by the publication of this notice. For specific notice, see Records Access Procedure, above.

**EXEMPTIONS PROMULGATED FOR THE SYSTEM:**

None.

**HISTORY:**

65 FR 21755 (April 24, 2000)  
86 FR 71477 (December 16, 2021.)

Dated: January 16, 2025.

**Debbie-Anne A. Reese,**  
*Secretary.*

[FR Doc. 2025-01582 Filed 1-22-25; 8:45 am]

**BILLING CODE 6717-01-P**

**DEPARTMENT OF ENERGY**

**Federal Energy Regulatory Commission**

[Project No. 2736-046]

**Idaho Power Company; Notice of Availability of Environmental Assessment**

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR part 380, the Office of Energy Projects has reviewed the application for a new major license to continue to operate and maintain the American Falls Hydroelectric Project No. 2736. The project is located at the American Falls Dam, owned and operated by the United States Bureau of Reclamation. The project occupies 7.37 acres of United States land administered by the U.S. Bureau of Reclamation in Power County, Idaho. Commission staff

has prepared an Environmental Assessment (EA) for the project.

The EA contains the staff's analysis of the potential environmental impacts of the project and concludes that licensing the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

The Commission provides all interested persons with an opportunity to view and/or print the EA via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), or at (866) 208-3676 (toll-free), or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

Any comments should be filed within 30 days from the date of this notice.

The Commission strongly encourages electronic filing. Please file comments using the Commission's eFiling system at <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. 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-4639-033.

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, environmental justice communities, 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](mailto:OPP@ferc.gov).

For further information, contact Golbahar Mirhosseini at [golbahar.mirhosseini@ferc.gov](mailto:golbahar.mirhosseini@ferc.gov).

Dated: January 16, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-01581 Filed 1-22-25; 8:45 am]

**BILLING CODE 6717-01-P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. CP25-19-000]

#### Southern Star Central Gas Pipeline, Inc.; Notice of Schedule for the Preparation of an Environmental Assessment for the Cedar Vale Compressor Station Project

On November 18, 2024, Southern Star Central Gas Pipeline, Inc. (Southern Star) filed an application in Docket No. CP25-19-000 requesting a (Certificate of Public Convenience and Necessity pursuant to section 7(c) of the Natural Gas Act to construct and operate certain natural gas pipeline facilities in Osage County, Oklahoma. The proposed project is known as the Cedar Vale Compressor Station Project (Project) and would facilitate the delivery of approximately 98,000 dekatherms per day of natural gas to customers in Kansas and Missouri and would allow Southern Star to increase the capacity of its existing natural gas transmission system.

On December 3, 2024, the Federal Energy Regulatory Commission (Commission or FERC) issued its Notice of Application for the Project. Among other things, that notice alerted agencies issuing Federal authorizations of the requirement to complete all necessary reviews and to reach a final decision on a request for a Federal authorization within 90 days of the date of issuance of the Commission staff's environmental document for the Project.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the Project and the planned schedule for the completion of the environmental review.<sup>1</sup> The EA will be issued for a 30-day comment period.

<sup>1</sup> In accordance with the Council on Environmental Quality's regulations, the unique identification number for documents relating to this environmental review is EAXX-019-20-000-1736843968. 40 CFR 1501.5(c)(4) (2024).

#### Schedule for Environmental Review

Issuance of EA—July 31, 2025  
90-day Federal Authorization Decision  
Deadline<sup>2</sup>—October 29, 2025

If a schedule change becomes necessary, additional notice will be provided so that the relevant agencies are kept informed of the Project's progress.

#### Project Description

The Cedar Vale Project would consist of the following facilities:

- a new 6,091-horsepower Solar Centaur 50 turbine compressor unit;
- approximately 1,028 feet of associated piping; and
- other appurtenant facilities including vales, tanks, control systems, fencing, and security equipment.

#### Background

On January 7, 2025, the Commission issued a *Notice of Scoping Period Requesting Comments on Environmental Issues for the Proposed Cedar Vale Compressor Station Project* (Notice of Scoping). The Notice of Scoping was sent to affected landowners; Federal, State, and local government agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers.

In response to the Notice of Application, the Commission received environmental comments from the Paul Wayne Kelly Revocable Trust (affected landowner) regarding erosion, special status species, land use/value, air quality/noise, tribal mineral rights, and impacts on vegetation and wildlife/livestock. All substantive comments will be addressed in the EA. No comments have been received in response to the Notice of Scoping.

#### Additional Information

In order to receive notification of the issuance of the EA and to keep track of formal issuances and submittals in specific dockets, the Commission offers a free service called eSubscription. This service provides automatic notification of filings made to subscribed dockets, document summaries, and direct links to the documents. Go to <https://www.ferc.gov/ferc-online/overview> to register for eSubscription.

<sup>2</sup> The Commission's deadline applies to the decisions of other Federal agencies, and State agencies acting under federally delegated authority, that are responsible for Federal authorizations, permits, and other approvals necessary for proposed projects under the Natural Gas Act. Per 18 CFR 157.22(a), the Commission's deadline for other agency's decisions applies unless a schedule is otherwise established by Federal law.

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, environmental justice communities, 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](mailto:OPP@ferc.gov).

Additional information about the Project is available from the Commission's Office of External Affairs at (866) 208-FERC or on the FERC website ([www.ferc.gov](http://www.ferc.gov)). Using the "eLibrary" link, select "General Search" from the eLibrary menu, enter the selected date range and "Docket Number" excluding the last three digits (*i.e.*, CP25-19), and follow the instructions. For assistance with access to eLibrary, the helpline can be reached at (866) 208-3676, TTY (202) 502-8659, or at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov). The eLibrary link on the FERC website also provides access to the texts of formal documents issued by the Commission, such as orders, notices, and rule makings.

Dated: January 16, 2025.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2025-01583 Filed 1-22-25; 8:45 am]

**BILLING CODE 6717-01-P**

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## FEDERAL ACCOUNTING STANDARDS ADVISORY BOARD

### Notice of December 2025 Federal Accounting Standards Advisory Board Meeting

**AGENCY:** Federal Accounting Standards Advisory Board.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the Federal Accounting Standards Advisory Board (FASAB) has changed the date of its December 2025 meeting.

**DATES:** The December 2025 meeting is no longer scheduled for December 9-10, 2025. The new date is December 16-17, 2025.

**ADDRESSES:** Agendas, briefing materials, and other meeting information will be available at <https://www.fasab.gov/briefing-materials/> approximately one week before the meeting. Any interested person may attend the meeting as an observer. The meeting will be in-person.

Board discussion and reviews are open to the public.

**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 purpose of the meetings is to discuss issues related to the following topics:

Accounting and Reporting of Government Land  
Climate-Related Financial Reporting Commitments  
Direct Loans and Loan Guarantees  
Federal GAAP Hierarchy  
Intangible Assets  
Leases  
Omnibus Amendments  
Public-Private Partnerships  
Reexamination of Existing Standards  
Omnibus Concepts Amendments  
Management's Discussion and Analysis  
Revenue  
Software Technology  
Appointments Panel  
Any other topics as needed

Notice is hereby given that a portion of each scheduled meeting may be closed to the public. The Appointments Panel, a chartered subcommittee of FASAB that makes recommendations regarding appointments for non-federal member positions, is expected to meet during each meeting. A portion of each Appointments Panel meeting will be closed to the public. The reason for the closures 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. Such discussions will be segregated into separate discussions so that a portion of each meeting will be open to the public.

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.

Unless otherwise noted, FASAB meetings begin at 9 a.m. and conclude before 5 p.m. Meetings are either in-person at the U.S. Government Accountability Office (GAO) building at 441 G St. NW or virtual. Regardless of whether the Board meeting is virtual or in-person, you may observe the meeting virtually.

**Authority:** 31 U.S.C. 3511(d); Federal Advisory Committee Act, 5 U.S.C. 1001-1014.

Dated: January 16, 2025.

**Monica R. Valentine,**  
Executive Director.

[FR Doc. 2025-01533 Filed 1-22-25; 8:45 am]

**BILLING CODE 1610-02-P**

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## FEDERAL COMMUNICATIONS COMMISSION

[OMB Control Number 3060-xxxx; FR ID 275222]

### 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 of 1995 (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 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 PRA comments should be submitted on or before March 24, 2025. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov).

**FOR FURTHER INFORMATION CONTACT:** For additional information about the information collection, contact Cathy Williams at (202) 418-2918.

**SUPPLEMENTARY INFORMATION:**

*OMB Control Number:* 3060-xxxx.

*Title:* Reporting Requirements for Commercial Television Broadcast Station Blackouts.

*Form Number:* N/A. Information will be collected via a FCC-hosted reporting portal. Respondents will be given notice of the specific reporting procedures by public notice before being required to submit information via the reporting portal.

*Type of Review:* New collection.

*Respondents:* Business or other for-profit entities.

*Number of Respondents and Responses:* 22 respondents; 264 responses.

*Estimated Time per Response:* 0.5 hours.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory authority for this collection of information is contained in Sections 1, 4, 303, 325, and 403, of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154, 303, 325, and 403, and section 401 of RAY BAUM'S Act of 2018, 47 U.S.C. 163.

*Total Annual Burden:* 132 hours.

*Total Annual Cost:* No cost.

*Needs and Uses:* On January 3, 2025, the Commission released a Report and Order (Order), FCC 24-138, in MB Docket No. 23-427, in which the Commission adopts a rule requiring that it be notified when a blackout of a broadcast television station, or stations, occurs on a video programming service offered by a multichannel video programming distributor (MVPD) for 24 hours or more due to a breakdown in retransmission consent negotiations between broadcasters and MVPDs.

Blackouts are the unfortunate result of failed retransmission consent

negotiations. The Order concludes that a reporting requirement is necessary to provide information that will enable the Commission to assess the functioning of the retransmission consent process, including the effects of blackouts on competition and consumers, and inform Congress. Currently, there is no official, public source that aggregates and reports information on such blackouts. As a result, the Commission and the public do not always have access to this important information through a consistent, reliable, and systematic means. To close this information gap, the Order concludes that obtaining blackout information from MVPDs would be the most effective method for the Commission to gain timely and reliable information about broadcast station blackouts occurring across the country and allow us to better assess the functioning of the retransmission consent process consistent with our statutory obligations and the consequences of breakdowns, and to better advise Congress on the state of the retransmission consent regime and its effectiveness with respect to relevant policy goals. Blackout reports will also provide data that, when combined with other information, can inform empirical analysis of competition and consumer access to programming. In addition, the reporting will enable the Commission to provide better information on the state of the video programming markets as part of the statutorily required Communications Marketplace Report and thus will facilitate a more informed assessment of marketplace developments. The Order contains the following information collection requirements which require OMB approval.

*Reporting Portal.* The Order provides that the blackout information be collected through an online reporting portal that is hosted and administered by the Commission. The Order delegates to the Media Bureau the authority to issue a public notice giving Reporting Entities notice of the specific reporting procedures to submit blackout information via the reporting portal and identifying the date on which the reporting requirement would become effective. Public blackout information collected through the portal would then be available on the Commission's website.

*Initial Blackout Notification.* The new information collection in rule 47 CFR 76.68(a) requires Reporting Entities to submit an Initial Blackout Notification in the event of a reportable Broadcast Station Blackout lasting over 24 hours. Reporting Entities must submit the Notification within two business days

after 24 hours have elapsed since the initiation of a Broadcast Station Blackout. This Notification will be available to the public and shall identify: (i) the name of the Reporting Entity; (ii) the commercial television broadcast station or stations no longer being retransmitted, including the call sign, Facility ID, the network affiliation(s), if any, of each affected primary and multicast stream, and the unaffected streams, if any; (iii) the Designated Market Area(s) in which affected subscribers reside; and (iv) the date and time of the initial interruption to programming. In addition, the new information collection in rule 47 CFR 76.68(b) requires Reporting Entities to submit an estimate of the number of subscribers affected as part of the Initial Blackout Notification. This information will be treated as presumptively confidential and will not be routinely available for public inspection.

*Final Blackout Notification.* The new information collection in rule 47 CFR 76.68(a) also requires Reporting Entities to submit a Final Blackout Notification, no later than two business days after the resumption of carriage to subscribers. This Notification will be available to the public and shall state, with respect to each station identified in the Initial Blackout Notification, the extent to which retransmission has resumed and include the date on which retransmission resumed.

*Supplemental Reporting.* Under rule 47 CFR 76.68(c), the licensee of a commercial television broadcast station may seek correction of a Reporting Entity's Initial or Final Blackout Notification if the Notification involves the station and contains a substantive error. The licensee must submit any correction notice electronically in accordance with procedures specified by the Media Bureau by public notice.

*Definitions.* Section 47 CFR 76.68(d) of the rule defines a "Reporting Entity" as "the multichannel video programming distributor reporting a Broadcast Station Blackout." A "Broadcast Station Blackout" is defined as "any time an MVPD ceases retransmission of a commercial television broadcast station's signal due to a lapse of the broadcast station's consent for such retransmission." A "reportable Broadcast Station Blackout" is defined as a "Broadcast Station Blackout lasting over 24 hours but less than three years from the Initial Blackout Notification." For the purposes of this rule, a "commercial television broadcast station" is defined to include all commercial full power, Class A, and low power television broadcast stations.

Federal Communications Commission.  
**Marlene Dortch,**  
*Secretary, Office of the Secretary.*  
 [FR Doc. 2025-01528 Filed 1-22-25; 8:45 am]  
 BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060-1088 and OMB 3060-1209; FR ID 274842]

### Information Collections 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.”

**DATES:** Written comments and recommendations for the proposed information collection should be submitted on or before February 24, 2025.

**ADDRESSES:** Comments should be sent to [www.reginfo.gov/public/do/PRAMain](http://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](http://www.reginfo.gov) per the above instructions for it to be considered. In addition to submitting in [www.reginfo.gov](http://www.reginfo.gov) also send a copy of your comment on the proposed information collection to Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@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 Cathy Williams at (202) 418-2918. 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:** 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.

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:** 3060-1088.

**Title:** Rules and Regulations Implementing the Telephone Consumer Protection Act (TCPA) of 1991, Report and Order and Third Order on Reconsideration, CG Docket No. 05-338, FCC 06-42.

**Form Number:** N/A.

**Type of Review:** Extension of a currently approved collection.

**Respondents:** Business or other for-profit entities; Not-for-profit institutions; and Individuals or households.

**Number of Respondents and Responses:** 5,341,080 respondents; 6,050,735 responses.

**Estimated Time per Response:** 3 minutes (.05 hours) to 30 minutes (.50 hours).

**Frequency of Response:** Annual, monthly, and on occasion reporting requirements; Recordkeeping requirement; and Third party disclosure requirement.

**Obligation to Respond:** Required to obtain or retain benefits. The authorizing statutes for this information collection are: Telephone Consumer Protection Act of 1991, Public Law 102-243, 105 Stat. 2394 (1991); Junk Fax Prevention Act, Public Law 109-21, 119 Stat. 359 (2005).

**Total Annual Burden:** 3,670,540 hours.

**Total Annual Cost:** \$1,062,142.

**Needs and Uses:** On April 5, 2006, the Commission adopted a Report and Order and Third Order on Reconsideration, In the Matter of Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991; Junk Fax Prevention Act of 2005, CG Docket Nos. 02-278 and 05-338, FCC 06-42, which modified the Commission’s facsimile advertising rules to implement the Junk Fax Prevention Act. The Report and Order and Third Order on Reconsideration contained information collection requirements pertaining to: (1) Opt-out Notice and Do-Not-Fax Requests Recordkeeping in which the rules require senders of unsolicited facsimile advertisements to include a notice on the first page of the facsimile that informs the recipient of the ability and means to request that they not receive future unsolicited facsimile advertisements from the sender; (2) Established Business Relationship Recordkeeping whereas the Junk Fax Prevention Act provides that the sender, e.g., a person, business, or a nonprofit/institution, is prohibited from faxing an unsolicited advertisement to a facsimile machine unless the sender has an “established business relationship” (EBR) with the recipient; (3) Facsimile Number Recordkeeping in which the Junk Fax Prevention Act provides that an EBR alone does not entitle a sender to fax an advertisement to an individual or business. The fax number must also be provided voluntarily by the recipient; and (4) Express Invitation or Permission Recordkeeping where in the absence of an EBR, the sender must obtain the prior express invitation or permission from the consumer before sending the facsimile advertisement.

On October 14, 2008, the Commission released an Order on Reconsideration,

FCC 08–239, addressing certain issues raised in petitions for reconsideration and/or clarification filed in response to the Commission's Report and Order and Third Order on Reconsideration (Junk Fax Order), FCC 06–42. In document FCC 08–239, the Commission clarified that: (1) Facsimile numbers compiled by third parties on behalf of the facsimile sender will be presumed to have been made voluntarily available for public distribution so long as they are obtained from the intended recipient's own directory, advertisement, or internet site; (2) Reasonable steps to verify that a recipient has agreed to make available a facsimile number for public distribution may include methods other than direct contact with the recipient; and (3) a description of the facsimile sender's opt-out mechanism on the first web page to which recipients are directed in the opt-out notice satisfies the requirement that such a description appear on the first page of the website.

The Commission believes these clarifications will assist senders of facsimile advertisements in complying with the Commission's rules in a manner that minimizes regulatory compliance costs while maintaining the protections afforded consumers under the Telephone Consumer Protection Act (TCPA).

*OMB Control Number:* 3060–1209.

*Title:* Section 73.1216, Licensee-Conducted Contests.

*Form Number:* None. (Complaints alleging violations of the Contest Rule generally are filed on via the Commission's Consumer Complaint Portal entitled General Complaints, Obscenity or Indecency Complaints, Complaints under the Telephone Consumer Protection Act, Slamming Complaints, Requests for Dispute Assistance and Communications Accessibility Complaints which is approved under OMB control number 3060–0874).

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities; Not-for-profit institutions.

*Number of Respondents and Responses:* 21,322 respondents; 21,322 responses.

*Estimated Time per Response:* 0.1–9 hours.

*Frequency of Response:* On occasion reporting requirement; Third party disclosure requirement and recordkeeping requirement.

*Total Annual Burden:* 126,335 hours.

*Total Annual Costs:* \$6,395,700.

*Obligation To Respond:* Required to obtain or retain benefits. The statutory authority for this collection of

information is contained in Sections 1, 4 and 303 of the Communications Act of 1934, as amended.

*Needs and Uses:* The Commission adopted the Contest Rule in 1976 to address concerns about the manner in which broadcast stations were conducting contests over the air. The Contest Rule generally requires stations to broadcast material contest terms fully and accurately the first time the audience is told how to participate in a contest, and periodically thereafter. In addition, stations must conduct contests substantially as announced. These information collection requirements are necessary to ensure that broadcast licensees conduct contests with due regard for the public interest.

The Contest Rule permit broadcasters to meet their obligation to disclose contest material terms on an internet website in lieu of making broadcast announcements. Under the amended Contest Rule, broadcasters are required to (i) announce the relevant internet website address on air the first time the audience is told about the contest and periodically thereafter; (ii) disclose the material contest terms fully and accurately on a publicly accessible internet website, establishing a link or tab to such terms through a link or tab on the announced website's home page, and ensure that any material terms disclosed on such a website conform in all substantive respects to those mentioned over the air; (iii) maintain contest material terms online for at least thirty days after the contest has ended; and (v) announce on air that the material terms of a contest have changed (where that is the case) within 24 hours of the change in terms on a website, and periodically thereafter, and to direct consumers to the website to review the changes.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary, Office of the Secretary.*

[FR Doc. 2025–01531 Filed 1–22–25; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0600; FR ID 275486]

### Information Collection Requirement Being Reviewed by the Federal Communications Commission Under Delegated Authority

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice and request for comments.

**SUMMARY:** As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (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 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 Commission 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.

**DATES:** Written PRA comments should be submitted on or before March 24, 2025.

**ADDRESSES:** Direct all PRA comments to Cathy Williams, FCC, via email to [PRA@fcc.gov](mailto:PRA@fcc.gov) and to [Cathy.Williams@fcc.gov](mailto:Cathy.Williams@fcc.gov). Include in the comments the Title as shown in the **SUPPLEMENTARY INFORMATION** below.

**FOR FURTHER INFORMATION CONTACT:** For additional information or copies of the information collection, contact Cathy Williams at (202) 418–2918.

#### SUPPLEMENTARY INFORMATION:

*OMB Control Number:* 3060–0600.

*Title:* Application to Participate in an FCC Auction, FCC Form 175.

*Form Number:* FCC Form 175.

*Type of Review:* Extension of a currently approved collection.

*Respondents:* Business or other for-profit entities, not-for-profit institutions, and state, local or Tribal governments.

*Estimated Number of Respondents and Responses:* 500 respondents and 500 responses.

*Estimated Time per Response:* 90 minutes.

*Frequency of Response:* On occasion reporting requirement.

*Obligation to Respond:* Required to obtain or retain benefits. Statutory

authority for this information collection is contained in sections 154(i) and 309(j)(5) of the Communications Act, as amended, 47 U.S.C. 4(i), 309(j)(5), and in sections 1.2105, 1.2110, 1.2112 of the Commission's rules, 47 CFR 1.2105, 1.2110, 1.2112.

*Estimated Total Annual Burden:* 750 hours.

*Total Annual Cost:* None.

*Needs and Uses:* A request for extension of this information collection (no change in requirements) will be submitted to the Office of Management and Budget (OMB) after this 60-day comment period in order to obtain the full three year clearance from OMB. FCC Form 175 is used by the public to apply to participate in auctions for Commission licenses and permits. The Commission's auction rules and related requirements are designed to ensure that the competitive bidding process is limited to serious qualified applicants, deter possible abuse of the bidding and licensing processes, and enhance the use of competitive bidding to assign Commission licenses and permits in furtherance of the public interest. The information collected on FCC Form 175 is used by the Commission to determine if an applicant is legally, technically, and financially qualified to participate in an auction for Commission licenses or permits. Additionally, if an applicant applies for status as a particular type of auction participant pursuant to Commission rules, the Commission uses information collected on FCC Form 175 to determine whether the applicant is eligible for the status requested. Commission staff reviews the information collected on FCC Form 175 for a particular auction as part of the pre-auction process, prior to the auction being held. Staff determines whether each applicant satisfies the Commission's requirements to

participate in the auction and, if an applicant claims status as a particular type of auction participant, whether that applicant is eligible for the status claimed. The information collection requirements on FCC Form 175 currently approved under OMB Control Number 3060-0600 have not changed since they were last approved by OMB on May 16, 2022. The Commission plans to continue to use FCC Form 175 for its upcoming auctions for Commission licenses and permits, including the forward auction component of any incentive auction, collecting only the information necessary for each particular auction.

Federal Communications Commission.

**Marlene Dortch,**

*Secretary.*

[FR Doc. 2025-01601 Filed 1-22-25; 8:45 am]

**BILLING CODE 6712-01-P**

**FEDERAL DEPOSIT INSURANCE CORPORATION**

[OMB No. 3064-0072; -0093; -0111; -0136; -0171]

**Agency Information Collection Activities: Proposed Collection Renewal; Comment Request**

**AGENCY:** Federal Deposit Insurance Corporation (FDIC).

**ACTION:** Notice and request for comment.

**SUMMARY:** The FDIC, as part of its obligations under the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to take this opportunity to comment on the renewal of the existing information collections described below (OMB Control No. 3064-0072, -0093, -0111, -0136, and -0171).

**DATES:** Comments must be submitted on or before March 24, 2025.

**ADDRESSES:** Interested parties are invited to submit written comments to the FDIC by any of the following methods:

- *Agency Website:* <https://www.fdic.gov/resources/regulations/federal-register-publications/>.
- *Email:* [comments@fdic.gov](mailto:comments@fdic.gov). Include the name and number of the collection in the subject line of the message.
- *Mail:* Manny Cabeza (202-898-3767), Regulatory Counsel, MB-3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.
- *Hand Delivery:* Comments may be hand-delivered to the guard station at the rear of the 17th Street NW building (located on F Street NW), on business days between 7 a.m. and 5 p.m.

All comments should refer to the relevant OMB control number. A copy of the comments may also be submitted to the OMB desk officer for the FDIC: Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

**FOR FURTHER INFORMATION CONTACT:** Manny Cabeza, Regulatory Counsel, 202-898-3767, [mcabeza@fdic.gov](mailto:mcabeza@fdic.gov), MB-3128, Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

**SUPPLEMENTARY INFORMATION:** Proposal to renew the following currently approved collection of information:

1. *Title:* Acquisition Services Information Requirements.  
*OMB Number:* 3064-0072.  
*Form Number:* 1600/04; 1600/07; 3700/04A; 3700/12; 3700/44; 3700/57.  
*Affected Public:* Private sector, business and other for-profit entities.  
*Burden Estimate:*

**SUMMARY OF ESTIMATED ANNUAL BURDEN**

[OMB No. 3064-0072]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Request for Proposal and Request for Quotation—Solicitation/Award (Form 3700/55) (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	634	1	10:36	6,720
2. Request for Information (Voluntary) .....	Reporting (On Occasion).	104	1	55:24	5,762
3. Background Investigation Questionnaire for Contractor Personnel and Subcontractors (Form 1600/04), 12 CFR Part 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	581	1	00:20	194
4. Background Investigation Questionnaire for Contractors (Form 1600/07), 12 CFR Part 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	223	1	00:30	112

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued  
[OMB No. 3064–0072]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
5. Leasing Representations and Certifications (Form 3700/44), 12 CFR Part 366 (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	40	1	01:00	40
6. Past Performance Questionnaire (Form 3700/57) (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	474	1	00:45	356
7. Contractor Representations and Certifications (Form 3700/04A) (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	00:45	1
8. Integrity and Fitness Representations and Certifications (Form 3700/12) (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	00:20	0
9. Prize Competitions—Application (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	01:00	1
10. Prize Competitions—Proposal (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	60:00	60
11. Innovation Pilot Programs—Application (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	20:00	20
12. Innovation Pilot Programs—Proposal (Required to Obtain or Retain Benefits).	Reporting (On Occasion).	1	1	60:00	60
<b>Total Annual Burden (Hours)</b> .....	.....	.....	.....	.....	<b>13,326</b>

Source: FDIC.

*General Description of Collection:* This information collection involves the submission of various forms by (1) contractors who wish to do business with the FDIC or are currently under contract with the FDIC, (2) those vendors and parties participating in innovation pilot programs and prize competitions with the possibility of being awarded a contract, and (3) government agencies or commercial businesses that provide FDIC with past performance information. The Federal Deposit Insurance Act (the Act) (12 U.S.C. 1819) empowers the FDIC to enter into contracts using private sector contractors to provide goods or services.

The Act also provides that the FDIC may promulgate policies and procedures to administer the powers granted to it, including the power to enter into contracts. Pursuant to such policies, the Acquisition and Corporate Services Branch of the FDIC’s Division of Administration has developed forms and clauses to facilitate the procurement of goods and services from private sector contractors. The information collected through these forms and clauses falls under the definition of collection of information under the Paperwork Reduction Act of 1995 (PRA). There is no change in the methodology or substance of this

information collection. The decrease in total estimated annual burden from 21,234 hours in 2022 to 13,326 hours currently is due to the deletion of the former IC associated with Form 1600/10.

2. *Title:* Notices Required of Government Securities Dealers or Brokers (Insured State Nonmember Banks).

*OMB Number:* 3064–0093.

*Form Number:* G–FIN; G–FINW; G–FIN4; G–FIN5.

*Affected Public:* Insured State nonmember banks acting as government securities brokers and dealers.

*Burden Estimate:*

SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–0093]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Notice by Financial Institutions of Government Securities Broker or Government Securities Dealer Activities (G–FIN), 17 CFR Part 401 (Mandatory).	Reporting (On Occasion).	2	1	01:00	2
2. Notice by Financial Institutions of Termination of Activities as a Government Securities Broker or Government Securities Dealer (G–FINW), 17 CFR Part 401 (Mandatory).	Reporting (On Occasion).	2	1	02:00	4
3. Disclosure Form for Person Associated with a Financial Institution Securities Broker or Dealer (G–FIN–4), 17 CFR Part 401 (Mandatory).	Reporting (On Occasion).	2	1	02:00	4
4. Uniform Termination Notice for Persons Associated with a Financial Institution Government Securities Broker or Dealer (G–FIN–5), 17 CFR Part 401 (Mandatory).	Reporting (On Occasion).	2	2	00:15	1

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued  
[OMB No. 3064–0093]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
Total Annual Burden (Hours) .....	.....	.....	.....	.....	11

Source: FDIC.

*General Description of Collection:* The Government Securities Act of 1986 requires all financial institutions acting as government securities brokers and dealers to notify their Federal regulatory agencies of their broker dealer activities, unless exempted from the notice requirements by Treasury Department regulation. The Form G–FIN and Form G–FINW are used by insured State nonmember banks that are government securities brokers or dealers to notify the FDIC of their status or that they have ceased to function as a government securities broker or dealer. The Form G–

FIN–4 is used by associated persons of insured State nonmember banks that are government securities brokers or dealers to provide certain information to the bank and to the FDIC concerning employment, residence, and statutory disqualification. The Form G–FIN–5 is used by insured State nonmember banks that are government securities brokers or dealers to notify the FDIC that an associated person is no longer associated with the government securities broker or dealer function of the bank. There is no change in the method or substance of the collection.

The overall decrease in burden hours is driven both by the decrease in the estimated annual number of responses and the changes to the estimated time per response.

3. *Title:* Activities and Investments of Insured Depository Institutions.

*OMB Number:* 3064–0111.

*Form Number:* None.

*Affected Public:* Insured State nonmember banks and insured State savings associations.

*Burden Estimate:*

SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–0111]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
1. Application or Notice to engage in certain activities—12 CFR Part 362. (Mandatory).	Recordkeeping (Annual)	32	1.1	08:00	280
Total Annual Burden (Hours) .....	.....	.....	.....	.....	280

Source: FDIC.

*General Description of Collection:* Section 24 of the Federal Deposit Insurance Act (FDI Act), 12 U.S.C. 1831a, limits investments and other activities in which State banks may engage, as principal, to those permissible for national banks and those approved by the FDIC under procedures set forth in 12 CFR part 362 of the FDIC’s Rules and Regulations. With certain exceptions, section 24 of the FDI Act limits the activities and investments of State banks to those activities and investments that are permissible for national banks. In addition, the statute prohibits a State bank from directly engaging, as a principal, in any activity or investment that is not permissible for a national bank, or indirectly through a subsidiary in an activity or investment

that is not permissible for a subsidiary of a national bank, unless such bank meets its minimum capital requirements and the FDIC determines that the activity or investment does not pose a significant risk to the Deposit Insurance Fund (DIF). The FDIC can make such a determination for exception by regulation or by order. Section 28(a), 12 U.S.C. 1831e, similarly limits the investments and activities of State savings associations and their service corporations to those permitted by Federal savings associations and their service corporations, absent FDIC approval. Part 362 details the activities that State banks or their subsidiaries may engage in, under certain criteria and conditions, and identifies the information that State banks must

furnish to the FDIC in order to obtain the FDIC’s approval or non-objection. Part 362 also applies to the activities and investments of State savings associations and their subsidiaries. There is no change in the method or substance of the collection. The increase in burden hours from 232 hours in 2022 to 280 hours currently is the result of economic fluctuation. In particular, the number of respondents and the number of responses per respondent has increased.

4. *Title:* Privacy of Consumer Financial Information.

*OMB Number:* 3064–0136.

*Form Number:* None.

*Affected Public:* Insured State nonmember banks and consumers.

*Burden Estimate:*

SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–0136]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
IC1: Initial drafting of Notice to Consumers (12 CFR 1016.4) (Mandatory).	Disclosure (Annual) .....	83	1	240:00	19,920
IC2: Annual notice and change in terms (12 CFR 1016.5) (Mandatory).	Disclosure (Annual) .....	349	1	60:00	20,940
IC3: Opt-out Notice (12 CFR 1016.7) (Mandatory).	Disclosure (Annual) .....	182	1	8:00	1,456
IC4: Consumer opt-out (12 CFR 1016.10) (Mandatory).	Recordkeeping (Annual)	182	1	1:00	182
Total Annual Burden (Hours) .....	.....	.....	.....	.....	42,498

Source: FDIC.

*General Description of Collection:* The elements of this collection are required under sections 503 and 504 of the Gramm-Leach-Bliley Act, 15 U.S.C. 6803, 6804. The collection mandates notice requirements and restrictions on a financial institution’s ability to disclose nonpublic personal information

about consumers to nonaffiliated third parties. There is no change in the method or substance of the collection. The overall decrease in burden hours is the result of economic fluctuation, in particular, the determination that regulation P has de minimis burden on consumers to opt out.

5. *Title:* Registration of Mortgage Loan Originators.  
*OMB Number:* 3064–0171.  
*Form Number:* None.  
*Affected Public:* FDIC-supervised institutions and employee mortgage loan originators.  
*Burden Estimate:*

SUMMARY OF ESTIMATED ANNUAL BURDEN  
[OMB No. 3064–0171]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
1. Financial Institution Policies and Procedures for Ensuring Employee-Mortgage Loan Originator Compliance with SAFE Act Requirements—New Entrant, 12 CFR 1007.104 (Mandatory).	Recordkeeping (One Time).	2	1	20:00	40
2. Financial Institution Policies and Procedures for Ensuring Employee-Mortgage Loan Originator Compliance with SAFE Act Requirements—Ongoing, 12 CFR 1007.104 (Mandatory).	Recordkeeping (Annual)	2,783	1	01:00	2,783
3. Financial Institution Procedures to Track and Monitor Compliance with SAFE Act Requirements—New Entrant, 12 CFR 1007.104 (Mandatory).	Recordkeeping (One Time).	2	1	60:00	120
4. Financial Institution Procedures to Track and Monitor Compliance with SAFE Act Requirements—Ongoing, 12 CFR 1007.104 (Mandatory).	Recordkeeping (Annual)	2,783	1	01:00	2,783
5. Financial Institution Procedures for the Collection and Maintenance of Employee Mortgage Loan Originator’s Criminal History Background Reports—New Entrant, 12 CFR 1007.104 (Mandatory).	Recordkeeping (One Time).	2	1	20:00	40
6. Financial Institution Procedures for the Collection and Maintenance of Employee Mortgage Loan Originator’s Criminal History Background Reports—Ongoing, 12 CFR 1007.104 (Mandatory).	Recordkeeping (Annual)	2,783	1	01:00	2,783
7. Financial Institution Procedures for Public Disclosure of Mortgage Loan Originator’s Unique Identifier—New Entrant, 12 CFR 1007.104 (Mandatory).	Disclosure (One Time)	2	1	25:00	50
8. Financial Institution Procedures for Public Disclosure of Mortgage Loan Originator’s Unique Identifier—Ongoing, 12 CFR 1007.104 (Mandatory).	Disclosure (Annual) .....	2,783	1	01:00	2,783
9. Financial Institution Information Reporting to Registry, 12 CFR 1007.103 (Mandatory).	Reporting (On Occasion).	2,785	1	01:00	2,785

SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued  
[OMB No. 3064–0171]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Average time per response (HH:MM)	Annual burden (hours)
10. Mortgage Loan Originator Initial Registration Reporting and Authorization Requirement, 12 CFR 1007.103 (Mandatory).	Reporting (One Time) ..	6,204	1	00:15	1,551
11. Mortgage Loan Originator Registration Updates Upon Change in Circumstances, 12 CFR 1007.103 (Mandatory).	Reporting (On Occa- sion).	38,249	1	00:15	9,562
12. Financial Institution Procedures for the Col- lection of Employee Mortgage Loan Origina- tor's Fingerprints, 12 CFR 1007.104 (Manda- tory).	Recordkeeping (On Oc- casion).	2,785	1	04:00	11,140
13. Mortgage Loan Originator Procedures for Disclosure to Consumers of Unique Identifier, 12 CFR 1007.104 (Mandatory).	Disclosure (On Occa- sion).	44,453	1	01:00	44,453
14. Mortgage Loan Originator Annual Renewal Registration Reporting and Authorization Re- quirements, 12 CFR 1007.103 (Mandatory).	Reporting (On Occa- sion).	38,249	1	00:15	9,562
Total Annual Burden (Hours) .....	.....	.....	.....	.....	90,435

Source: FDIC.

*General Description of Collection:*  
This information collection implements the Secure and Fair Enforcement for Mortgage Licensing Act of 2008 (SAFE Act) requirement that employees of federally-regulated institutions who engage in the business of a mortgage loan originator register with the Nationwide Mortgage Licensing System and Registry and establishes national licensing and registration requirements. It also directs federally-regulated institutions to have written policies and procedures in place to ensure that their employees who perform mortgage loan originations comply with the registration and other SAFE Act requirements. There is no change in the method or substance of the collection. The overall decrease in burden hours is the result of decreases in both the estimated number of FDIC-supervised institutions engaged in mortgage lending as well as the estimated number of mortgage loan originators employed at such institutions.

**Request for Comment**

Comments are invited on (a) whether the collections of information are necessary for the proper performance of the FDIC's functions, including whether the information has practical utility; (b) the accuracy of the estimates of the burden of the information collections, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collections of information on respondents, including through the

use of automated collection techniques or other forms of information technology. All comments will become a matter of public record.

Federal Deposit Insurance Corporation.  
Dated at Washington, DC, January 17, 2025.  
**Jennifer M. Jones,**  
*Deputy Executive Secretary.*  
[FR Doc. 2025–01626 Filed 1–22–25; 8:45 am]  
**BILLING CODE 6714–01–P**

**FEDERAL ELECTION COMMISSION**

**Sunshine Act Meetings**

**TIME AND DATE:** Tuesday, January 28, 2025 at 10:00 a.m. and its continuation at the conclusion of the open meeting on January 30, 2025.

**PLACE:** 1050 First Street NE, Washington, DC and virtual. (This meeting will be a hybrid meeting.)

**STATUS:** This meeting will be closed to the public.

**MATTERS TO BE CONSIDERED:**  
Compliance matters pursuant to 52 U.S.C. 30109.  
Matters relating to internal personnel decisions, or internal rules and practices.  
Investigatory records compiled for law enforcement purposes and production would disclose investigative techniques.  
Information the premature disclosure of which would be likely to have a considerable adverse effect on the implementation of a proposed Commission action.

Matters concerning participation in civil actions or proceedings or arbitration.

\* \* \* \* \*

**CONTACT PERSON FOR MORE INFORMATION:**  
Judith Ingram, Press Officer, Telephone: (202) 694–1220.

(Authority: Government in the Sunshine Act, 5 U.S.C. 552b)

**Vicktorija J. Allen,**  
*Deputy Secretary of the Commission.*  
[FR Doc. 2025–01699 Filed 1–21–25; 4:15 pm]  
**BILLING CODE 6715–01–P**

**FEDERAL MARITIME COMMISSION**

**Notice of Agreements Filed**

The Commission hereby gives notice of filing of the following agreements under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreements to the Secretary by email at *Secretary@fmc.gov*, or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of the agreements are available through the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov*.

*Agreement No.:* 201446.

*Agreement Name:* CMA CGM/COSCO North Europe—USEC/USWC Service Agreement.

*Parties:* CMA CGM S.A.; COSCO SHIPPING Lines Co. Ltd.

*Filing Party:* Robert Magovern, Cozen O'Connor.

*Synopsis:* The Agreement authorizes CMA CGM to charter space to COSCO in the Trade between the ports in North Europe (United Kingdom, Netherlands, Germany, Belgium), ports in Central America and Caribbean (Panama, Colombia, Dominican Republic) and ports in U.S. East Coast on the one hand, and U.S. West Coast, on the other hand.

*Proposed Effective Date:* January 10, 2025.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/88592>.

*Agreement No.:* 201446–001.

*Agreement Name:* CMA CGM/COSCO North Europe—USEC/USWC Service Agreement.

*Parties:* CMA CGM S.A.; COSCO SHIPPING Lines Co. Ltd.

*Filing Party:* Robert Magovern, Cozen O'Connor.

*Synopsis:* The Amendment adds France to the geographic scope of the Agreement.

*Proposed Effective Date:* January 13, 2025.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/88592>.

*Agreement No.:* 201447.

*Agreement Name:* CMA CGM/COSCO/ONE/OOCL MED—USEC Vessel Sharing Agreement.

*Parties:* CMA CGM S.A.; COSCO SHIPPING Lines Co. Ltd.; Ocean Network Express Pte. Ltd.; and Orient Overseas Container Line Limited and OOCL (Europe) Limited (acting as a single party).

*Filing Party:* Joshua Stein, Cozen O'Connor.

*Synopsis:* The Agreement authorizes the Parties to charter and exchange space on one another's vessels and to coordinate and cooperate with respect to the Parties' transportation services and operations in the trade between, on the one hand, ports in the Mediterranean (Spain and Italy), and on the other hand, U.S. ports in the Atlantic coast range.

*Proposed Effective Date:* January 13, 2025.

*Location:* <https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/88593>.

Dated: January 17, 2025.

**Alanna Beck,**

*Federal Register Alternate Liaison Officer.*

[FR Doc. 2025–01586 Filed 1–22–25; 8:45 am]

**BILLING CODE 6730–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1432]

### Certain Mobile Electronic Devices; Notice of Institution of Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on December 17, 2024, under section 337 of the Tariff Act of 1930, as amended, on behalf of Maxell, Ltd of Kyoto, Japan. Supplements to the Complaint were filed on December 26, 2024 and January 6, 2025. The complaint, as supplemented, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain mobile electronic devices by reason of the infringement of certain claims of U.S. Patent No. 8,130,280 (the “’280 patent”); U.S. Patent No. 11,490,004 (the “’004 patent”); U.S. Patent No. 11,750,915 (the “’915 patent”); U.S. Patent No. 11,509,953 (the “’953 patent”); U.S. Patent No. 12,108,103 (the “’103 patent”); and U.S. Patent No. 11,445,241 (the “’241 patent”). The complaint, as supplemented, further alleges that an industry in the United States exists as required by the applicable Federal Statute. The complainant requests that the Commission institute an investigation and, after the investigation, issue a limited exclusion order and cease and desist order.

**ADDRESSES:** The complaint, except for any confidential information contained therein, may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). Hearing impaired individuals are advised that information on this matter can be obtained 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 at <https://www.usitc.gov>.

**FOR FURTHER INFORMATION CONTACT:** Susan Orndoff, The Office of Docket Services, U.S. International Trade Commission, telephone (202) 205–1802.

### SUPPLEMENTARY INFORMATION:

*Authority:* The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and in section 210.10 of the Commission's Rules of Practice and Procedure, 19 CFR 210.10 (2024).

*Scope of Investigation:* Having considered the complaint, the U.S. International Trade Commission, on January 16, 2025, *ordered that—*

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain products identified in paragraph (2) by reason of infringement of one or more of claims 1–11 and 14–17 of the '280 patent; claims 1, 2, 4, 7–12, and 14–20 of the '004 patent; claims 1, 4, 5, 7–11, and 14–19 of the '915 patent; claims 1–30 of the '953 patent; claims 1–3, 5–7, 9, and 11–21 of the '103 patent; and claims 1–3, 5–14, 17–23, and 25–28 of the '241 patent, and whether an industry in the United States exists as required by subsection (a)(2) of section 337;

(2) Pursuant to section 210.10(b)(1) of the Commission's Rules of Practice and Procedure, 19 CFR 210.10(b)(1), the plain language description of the accused products or category of accused products, which defines the scope of the investigation, is “smartphones and tablets, *i.e.*, those branded and sold by Samsung”;

(3) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served:

(a) The complainant is:

Maxell, Ltd., 1 Koizumi, Oyamazaki, Oyamazaki-cho, Otokuni-gun, Kyoto, 618–8525 Japan.

(b) The respondents are the following entities alleged to be in violation of section 337, and are the parties upon which the complaint and supplement is to be served:

Samsung Electronics Co., Ltd., 129 Samsung-Ro (Maetan-dong), Yeongtong-gu, Suwon-Shi, Gyeonggi-do, 16677 Republic of Korea.

Samsung Electronics America, Inc., 85 Challenger Road, Floor 7, Ridgefield Park, NJ 07660–2118.

(4) For the investigation so instituted, the Chief Administrative Law Judge, U.S. International Trade Commission, shall designate the presiding Administrative Law Judge.

The Office of Unfair Import Investigations will not be a party to this investigation.

Responses to the complaint and the notice of investigation must be submitted by the named respondents in accordance with section 210.13 of the Commission's Rules of Practice and Procedure, 19 CFR 210.13. Pursuant to 19 CFR 201.16(e) and 210.13(a), as amended in 85 FR 15798 (March 19, 2020), such responses will be considered by the Commission if received not later than 20 days after the date of service by the complainant of the complaint and the notice of investigation. Extensions of time for submitting responses to the complaint and the notice of investigation will not be granted unless good cause therefor is shown.

Failure of a respondent to file a timely response to each allegation in the complaint, as supplemented, and in this notice may be deemed to constitute a waiver of the right to appear and contest the allegations of the complaint and this notice, and to authorize the administrative law judge and the Commission, without further notice to the respondent, to find the facts to be as alleged in the complaint and this notice and to enter an initial determination and a final determination containing such findings, and may result in the issuance of an exclusion order or a cease and desist order or both directed against the respondent.

By order of the Commission.

Issued: January 17, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025–01587 Filed 1–22–25; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1376]

### Certain Electronic Devices, Including Mobile Phones, Tablets, Laptops, Components Thereof, and Products Containing the Same; Notice of Commission Determination To Review in Part and, on Review, Affirm a Final Initial Determination Finding No Violation; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission (“the Commission”) has determined to review in part a final initial determination (“FID”) issued by the presiding administrative law judge (“ALJ”) finding no violation of section 337. On review, the Commission affirms the determination of no violation. The investigation is hereby terminated.

**FOR FURTHER INFORMATION CONTACT:** Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2382. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** On November 17, 2023, the Commission instituted the present investigation based on a complaint, as supplemented, filed by Ericsson AB of Stockholm, Sweden and Telefonaktiebolaget LM Ericsson of Stockholm, Sweden (collectively “Ericsson”), alleging violations of section 337 of Tariff Act of 1930, as amended, 19 U.S.C. 1337 (“section 337”), due to the importation into the United States, sale for importation, or sale in the United States after importation of certain electronic devices, including mobile phones, tablets, laptops, components thereof, and products containing the same, that allegedly infringe one or more of the asserted claims of U.S. Patent Nos. 9,313,178 (“the ‘178 patent”);

10,972,654 (“the ‘654 patent”); 9,509,273 (“the ‘273 patent”); 7,151,430 (“the ‘430 patent”); and 11,122,313 (“the ‘313 patent”). 88 FR 80337–338 (Nov. 17, 2023). The complaint alleges that a domestic industry exists. *Id.* The notice of investigation names the following respondents: Motorola Mobility, LLC of Chicago, Illinois; Motorola (Wuhan) Mobility Technologies Communication Company Limited of Wuhan, China; Lenovo (United States) Inc. of Morrisville, North Carolina; Lenovo Group Limited of Hong Kong, SAR, China; Lenovo (Shanghai) Electronics Technology Co., Ltd. of Shanghai, China; Lenovo Beijing Co., Ltd. of Beijing, China; Lenovo PC HK Limited of Hong Kong, SAR, China; and Lenovo Information Products (Shenzhen) Co. Ltd. of Shenzhen, China (collectively, “Respondents”). *Id.* at 80337. The Office of Unfair Import Investigations is not a party to this investigation. *Id.*

The Commission subsequently terminated the investigation with respect to certain patents and patent claims that were withdrawn by the Ericsson. Order No. 29 (June 3, 2024), *unreviewed by Comm'n Notice* (June 25, 2024) (terminating the ‘430 patent in its entirety, asserted claims 1–5 of the ‘178 patent, and asserted claims 1–4 and 6 of the ‘313 patent); Order No. 34 (July 15, 2024), *unreviewed by Comm'n Notice* (Aug. 6, 2024) (terminating all remaining claims of the ‘313 patent, claim 18 of the ‘178 patent, claims 9, 10, and 15 of the ‘654 patent, and claims 1–3, 7–10, 12–14, and 16 of the ‘273 patent); Order No. 39 (Aug. 9, 2024), *unreviewed by Comm'n Notice* (Sept. 9, 2024) (terminating all remaining claims of the ‘273 patent).

On July 5, 2024, the Commission terminated the investigation with respect to respondent Lenovo Group Limited for good cause because it does not import into the United States, sell for importation, or sell in the United States after importation any accused products. Order No. 30 (June 20, 2024), *unreviewed by Comm'n Notice* (July 5, 2024).

On August 13, 2024, the Commission granted in part Ericsson's unopposed motion for summary determination that it has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(A) with respect to the ‘178 and ‘654 patents. Order No. 32 (July 12, 2024), *unreviewed by Comm'n Notice* (Aug. 13, 2024).

On November 15, 2024, the presiding ALJ issued the subject FID, finding no violation of section 337 with respect to either the remaining ‘178 patent or the ‘654 patent. With regard to the ‘178

patent, the FID finds that asserted claims 16 and 17 are not infringed and are invalid as obvious under 35 U.S.C. 103 (“section 103”), that no domestic industry product practices either claim, and that the economic prong of the domestic prong requirement would have been satisfied under 35 U.S.C. 1337(a)(3)(B) (“section 337(a)(3)(B)”) but for the invalidity of the asserted claims. With regard to the ’654 patent, the FID finds that asserted claims 1, 3, and 16 are ineligible for patenting under 35 U.S.C. 101 (“section 101”), that claims 1 and 3 are invalid as anticipated under 35 U.S.C. 102, and that claims 1, 3, and 16 are invalid as obvious under section 103. The FID finds that, but for the invalidity of its claims, the ’654 patent would have been infringed and both the technical and economic prongs of the domestic industry requirement would have been satisfied under section 337(a)(3)(B). The FID rejects Respondents’ license defense.

On November 29, 2024, Respondents filed a contingent petition for review, arguing that if the Commission were to review the FID, it should also review: (i) the FID’s rejection of Respondents’ license defense; (ii) the FID’s narrow construction of the term “detect” recited in the asserted claims of the ’178 patent and its resultant rejection of certain obviousness defenses; and (iii) the FID’s narrow ordering of the claim steps in the ’654 patent claims and its resultant rejection of certain anticipation arguments. Respondents did not petition for review of the FID’s findings on non-infringement, patent ineligibility, or domestic industry. On December 9, 2024, Ericsson filed a response opposing Respondents’ petition for review of the license defense, but it did not address any of the other issues raised by Respondents. Ericsson did not file a petition for Commission review of any findings in the FID.

Having reviewed the record of the investigation, including the FID, the parties’ petitions for review and related submissions, the Commission has determined to review the FID in part as to the FID’s finding that the asserted claims of the ’654 patent are ineligible for patenting under section 101, that Ericsson has satisfied the economic prong of the domestic industry requirement under section 337(a)(3)(B), and concerning Respondents’ licensing defense. On review, the Commission has determined to adopt the FID’s findings, including its no-violation determination, with the exception that the Commission takes no position on whether the asserted claims of the ’654 patent are ineligible under section 101,

whether Ericsson has satisfied the economic prong of domestic industry requirement under section 337(a)(3)(B), or the FID’s findings regarding Respondents’ licensing defense. *See* 19 CFR 210.45(c); *Beloit Corp. v. Valmet Oy*, 742 F.2d 1421, 1423 (Fed. Cir. 1984). Additionally, the Commission has determined to reconsider, and on reconsideration, to vacate Order No. 32 and take no position on whether Ericsson has satisfied the economic prong of domestic industry under section 337(a)(3)(A). *See* 19 CFR 210.47; *Beloit*, 742 F.2d at 1423. The Commission notes that there can be no domestic industry if the asserted patent claims are either invalid or withdrawn. *See* Order No. 34 (July 15, 2024), *unreviewed by Comm’n Notice* (Aug. 6, 2024) (terminating investigation as to certain claims forming the basis or the grant of summary determination in Order No. 32).

The investigation is hereby terminated with a finding of no violation.

The Commission vote for this determination took place on January 16, 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: January 16, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025–01564 Filed 1–22–25; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1351 (Remand)]

### **Certain Active Matrix Organic Light-Emitting Diode Display Panels and Modules for Mobile Devices, and Components Thereof; Notice of a Commission Determination To Review in Part a Final Initial Determination Finding No Violation of Section 337; Request for Written Submissions on the Issues Under Review and on Remedy, the Public Interest, and Bonding**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review

in part a final initial determination (“ID”) issued by the presiding administrative law judge (“ALJ”), finding no violation of section 337 of the Tariff Act of 1930. The Commission requests written submissions from the parties on the issues under review and submissions from the parties, interested government agencies, and interested persons on the issues of remedy, the public interest, and bonding, under the schedule set forth below.

#### **FOR FURTHER INFORMATION CONTACT:**

Cathy Chen, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission’s electronic docket system (“EDIS”) at <https://edis.usitc.gov>. For help accessing EDIS, please email [EDIS3Help@usitc.gov](mailto: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 February 3, 2023, based on a complaint filed Samsung Display Co., Ltd. (“SDC” or “Complainant”) of the Republic of Korea. 88 FR 7463–64 (Feb. 3, 2023). The complaint, as supplemented, alleged violations of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain active matrix organic light-emitting diode display panels and modules for mobile devices, and components thereof by reason of infringement of claims 1–5 and 19–21 of U.S. Patent No. 9,818,803 (“the ’803 patent”); claims 1, 2, 4–10, and 13 of U.S. Patent No. 10,854,683 (“the ’683 patent”); claims 1–18 of U.S. Patent No. 7,414,599 (“the ’599 patent”); and claims 1–3, 6–8, and 14–22 of U.S. Patent No. 9,330,593 (“the ’593 patent”). *Id.* The complaint further alleged that a domestic industry exists. *Id.* The notice of investigation named the following parties as respondents: Injured Gadgets, LLC (“Injured Gadgets”) of Norcross, Georgia; Wholesale Gadget Parts, Inc. (“Wholesale Gadget Parts”) of Bixby, Oklahoma; Phone LCD Parts LLC and Parts4LCD (collectively, “Phone LCD Parts”) of Wayne, New Jersey; Apt-Ability LLC d/b/a MobileSentrix of Chantilly, Virginia; Mobile Defenders, LLC of Caledonia, Michigan; Group

Vertical, LLC (“Group Vertical”) of Grand Rapids, Michigan; Electronics Universe, Inc. d/b/a Fixez.com and Electronics Universe, Inc. d/b/a Repairs Universe, Inc. (“Electronics Universe”) of Las Vegas, Nevada; LCTech International Inc. d/b/a SEGMobile.com (“LCTech”) of City of Industry, California; Sourcely Plus, LLC (“Sourcely Plus”) of Tempe, Arizona; eTech Parts Plus LLC (“eTech Parts Plus”) of Southlake, Texas; Parts4Cells Inc. (“Parts4Cells”) of Houston, Texas; Captain Mobile Parts, Inc. (“Captain Mobile Parts”) of Dallas, Texas; DFW Imports LLC d/b/a DFW Cellphone and Parts (“DFW Imports”) of Dallas, Texas; Mengtor Inc. (“Mengtor”) of El Monte, California; and Gadgetfix Corp. (“Gadgetfix”) of Irvine, California. *Id.* The notice of investigation also named the Office of Unfair Import Investigations (“OUII”) as a party. *Id.*

On March 22, 2023, the Commission granted Mianyang BOE Optoelectronics Technology Co., Ltd.’s (“BOE”) unopposed motion to intervene as a respondent in this investigation. Order No. 7, *unreviewed by*, Comm’n Notice (Mar. 22, 2023).

Two respondents, Apt-Ability LLC d/b/a MobileSentry and Mobile Defenders, LLC, were terminated based on a consent order. Order No. 43, *unreviewed by*, Comm’n Notice (Apr. 18, 2024). Ten respondents, Captain Mobile Parts, Group Vertical, Sourcely Plus, Mengtor, Electronics Universe, LCTech, Parts4Cells, DFW Imports, Gadgetfix, and eTech Parts Plus (collectively, “the Defaulting Respondents”), were found in default. Order No. 16, *unreviewed by*, Comm’n Notice (June 7, 2023); Order No. 22, *unreviewed by*, Comm’n Notice (July 20, 2023); Order No. 25, *unreviewed by*, Comm’n Notice (Aug. 18, 2023); Order No. 27, *unreviewed by*, Comm’n Notice (Aug. 30, 2023). Accordingly, respondents Injured Gadgets, Wholesale Gadget Parts, and Phone LCD Parts (collectively, “the BLF Respondents”) and BOE remain active in the investigation.

On April 20, 2023, the Commission granted SDC’s motion for leave to amend the complaint and notice of investigation to add allegations of infringement related to claims 1–6, 10, 12, 17, 19, 21–23, 40–47, and 51–52 of the ’578 patent. Order No. 8, *unreviewed by*, Comm’n Notice (Apr. 20, 2023). As a result of termination of all asserted claims of the ’683 patent and certain other asserted claims, *see* Order No. 34 (Oct. 26, 2023), *unreviewed by*, Comm’n Notice (Nov. 27, 2024), Order No. 39 (Dec. 7, 2023), *unreviewed by*, Comm’n Notice (Jan. 8, 2024), Order No. 51 (Jun.

14, 2024), *unreviewed by*, Comm’n Notice (Jul. 3, 2024), Order No. 65 (Aug. 27, 2024), *unreviewed by*, Comm’n Notice (Sept. 26, 2024), only claims 5 and 21 of the ’803 patent, claims 5, 10, 17, 40–41, and 47 of the ’578 patent, claims 2–3, 13, and 15–16 of the ’599 patent, and claim 6 of the ’593 patent remain asserted in the investigation.

On November 15, 2023, the BLF Respondents and BOE (collectively, “Respondents”) moved for summary determination that SDC lacked constitutional standing to bring and maintain this investigation. Respondents argued because SDC’s parent company, Samsung Electronics Co., Ltd. (“SEC”), “has an unfettered right to grant licenses, SDC lacks the exclusionary rights necessary to prove standing.” Mot. at 18. Finding that “there is no genuine issue of material fact that SEC has an unrestricted right to sublicense the Asserted Patents to others” and that SEC’s possession of such a right divested SDC of exclusionary rights, on January 9, 2024, the ALJ granted Respondents’ motion for summary determination of no violation due to lack of standing. Order No. 44 at 13, 24–25 (Jan. 9, 2024).

On April 24, 2024, the Commission vacated that initial determination and remanded the investigation for further proceedings consistent with its opinion. In its opinion, the Commission found that “(1) constitutional standing, the Article III requirements of the Constitution related to the authority of federal courts to adjudicate lawsuits, is not required at [the] Commission; and (2) there are genuine issues of material facts relating to [Complainant’s] rights in the asserted patents.” Comm’n Op. at 2. The Commission remanded the investigation to the ALJ to “conduct further proceedings as appropriate and consistent with the Commission’s opinion herewith.” *Id.*

On May 2, 2024, the ALJ held a case management conference to discuss how the case would proceed on remand. Respondent BOE indicated that it wished to argue that SDC lacked “all substantial rights” to the asserted patents when it filed its complaint and that it wished to pursue discovery from SEC on this issue. Order No. 50 at 3. SDC responded that a statutory cause of action defense had never previously been raised and thus was waived. *Id.* at 5. OUII noted that “Respondents’ argument that [SDC] may not have owned the asserted patents when it filed the complaint because it did not hold all substantial rights is fundamentally different from the argument advanced in Respondents’ motion for summary determination.” *Id.* The ALJ then

ordered “additional briefing” on “the effect of the Commission opinion on th[e] Investigation.” Order No. 47, EDIS Doc. ID 820416, at 1 (May 3, 2024). Following briefing on remand, the ALJ found that Respondents waived their argument that SDC failed to satisfy the requirement of Commission Rule 210.12 because Respondents did not address this issue in their prehearing brief, as required by the ALJ’s Ground Rules. ID at 4 (citing Order No. 50 at 4 (June 11, 2024)).

The evidentiary hearing was held on July 8–9, 2024, and July 15–17, 2024.

On November 15, 2024, the ALJ issued a final ID finding no violation of section 337 because SDC failed to show the existence of a domestic industry, among other reasons. In particular, the ID found: (1) SDC failed to satisfy the economic prong of the domestic industry requirement for all asserted patents; (2) SDC satisfied the technical prong of the domestic industry requirement for the ’803, the ’578, and the ’599 patents but not for the ’593 patent; (3) at least one representative accused product infringes claims 5 and 21 of the ’803 patent, claims 5, 10, 17, 40–41, and 47 of the ’578 patent, claims 15–16 of the ’599 patent, and claim 6 of the ’593 patent but not claims 2–3 and 13 of the ’599 patent; and (4) the claims have not been shown to be invalid.

On November 29, 2024, SDC filed a petition for review of the ID challenging certain findings related to the ’803, the ’578, and the ’599 patents, including the economic prong of the domestic industry requirement. SDC did not petition for review of the ID’s findings related to the ’593 patent. That same day, Respondent BOE and the BLF Respondents filed a joint contingent petition for review. OUII did not file a petition for review. On December 9, 2024, Complainant, Respondents, and OUII each filed a response to the petitions.

The Commission solicited submissions from the public on the public interest issues raised by the recommended determination. 89 FR 92721 (Nov. 22, 2024). The Commission received comments from Representative John Moolenaar, Chairman of the House Select Committee on China, and Dr. Robert D. Atkinson of the Information Technology & Innovation Foundation.

On January 8, 2025, SDC filed a notice of supplemental authority to apprise the Commission of the Patent Trial and Appeal Board’s final written decisions in *inter partes* review proceedings on the ’578 patent and the ’803 patent. In the final written decisions, the Board found claim 21 of the ’803 patent unpatentable and all other asserted

claims of the '578 and '803 patents at issue in this investigation have not been proven unpatentable. See *Mianyang BOE Optoelectronics Tech. Co., Ltd. v. Samsung Display Co., Ltd.*, IPR2023–00987, Final Written Decision (Jan. 6, 2025); *Mianyang BOE Optoelectronics Tech. Co., Ltd. v. Samsung Display Co., Ltd.*, IPR2023–01075, Final Written Decision (Jan. 6, 2025).

Having reviewed the record of the investigation, including the final ID, the parties' submissions to the ALJ, the petitions for review, and the responses thereto, the Commission has determined to review the ID in part. Specifically, the Commission has determined to review: (1) the ID's findings that the Commission has statutory authority to investigate Complainant SDC's alleged violation under section 337 and that Respondents waived their argument that SDC lacked the ability to bring this investigation under Commission Rule 210.12; (2) the ID's findings related to the technical prong for the '803 patent; and (3) the ID's findings regarding the economic prong of the domestic industry requirement. The Commission has determined not to review any other findings presented in the final ID, including the ID's finding of no violation of section 337 with respect to the '593 patent.

In connection with its review, Commission requests responses to the following questions. The parties are requested to brief their positions with reference to the applicable law and the existing evidentiary record.

1. Did Respondents raise in their prehearing brief an argument that Complainant was not the owner of the asserted patents or otherwise lacked all substantial rights in the asserts patents and therefore lacked the ability to bring this investigation under Commission Rule 210.12? If so, please identify where in the brief this argument was raised?

2. Assuming SEC possessed an unrestricted right to sublicense the asserted patents when SDC filed the complaint, please address the merits of Respondents' argument that SDC was not the owner of the asserted patents under Commission Rule 210.12.

3. Did any party bring to the ALJ's attention that the asserted claims of the '803 patent were subject to an *inter partes* review proceeding and that the outcome of the proceeding could affect this investigation including the ALJ's technical prong findings for the '803 patent?

The parties are invited to brief only the discrete issues requested above. The parties are not to brief other issues on review, which are adequately presented in the parties' existing filings.

In connection with the final disposition of this investigation, the statute authorizes issuance of, *inter alia*, (1) an exclusion order that could result in the exclusion of the subject articles from entry into the United States; and/or (2) cease and desist orders that could result in the respondents being required to cease and desist from engaging in unfair acts in the importation and sale of such articles. Accordingly, the Commission is interested in receiving written submissions that address the form of remedy, if any, that should be ordered. If a party seeks exclusion of an article from entry into the United States for purposes other than entry for consumption, the party should so indicate and provide information establishing that activities involving other types of entry either are adversely affecting it or likely to do so. For background, see *Certain Devices for Connecting Computers via Telephone Lines*, Inv. No. 337–TA–360, USITC Pub. No. 2843, Comm'n Op. at 7–10 (Dec. 1994).

The statute requires the Commission to consider the effects of that remedy upon the public interest. The public interest factors the Commission will consider include the effect that an exclusion order and/or a cease and desist order would have on: (1) the public health and welfare, (2) competitive conditions in the U.S. economy, (3) U.S. production of articles that are like or directly competitive with those that are subject to investigation, and (4) U.S. consumers. The Commission is therefore interested in receiving written submissions that address the aforementioned public interest factors in the context of this investigation.

If the Commission orders some form of remedy, the U.S. Trade Representative, as delegated by the President, has 60 days to approve, disapprove, or take no action on the Commission's determination. See Presidential Memorandum of July 21, 2005, 70 FR 43251 (July 26, 2005). During this period, the subject articles would be entitled to enter the United States under bond, in an amount determined by the Commission and prescribed by the Secretary of the Treasury. The Commission is therefore interested in receiving submissions concerning the amount of the bond that should be imposed if a remedy is ordered.

*Written Submissions:* The parties to the investigation are requested to file written submissions on the issues identified in this notice. The parties' opening submissions should not exceed 50 pages, and their reply submissions

should not exceed 25 pages. Parties to the investigation, interested government agencies, and any other interested parties are encouraged to file written submissions on the issues of remedy, the public interest, and bonding. Such submissions should address the recommended determination by the ALJ on remedy, public interest, and bonding.

In their initial submissions, Complainant is also requested to identify the remedy sought and Complainant and OUII are requested to submit proposed remedial orders for the Commission's consideration. Complainant is further requested to provide the HTSUS subheadings under which the accused products are imported, and to supply the identification information for all known importers of the products at issue in this investigation. The initial written submissions and proposed remedial orders must be filed no later than close of business on Thursday, January 30, 2025. Reply submissions must be filed no later than the close of business on Thursday, February 6, 2025. No further submissions on these issues will be permitted unless otherwise ordered by the Commission.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number (Inv. No. 337–TA–1351) in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, [https://www.usitc.gov/documents/handbook\\_on\\_filing\\_procedures.pdf](https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf)). Persons with questions regarding filing should contact the Secretary, (202) 205–2000.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed with the

Commission and served on any parties to the investigation within two business days of any confidential filing. All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

The Commission vote for this determination took place on January 16, 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: January 16, 2025.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2025-01563 Filed 1-22-25; 8:45 am]

BILLING CODE 7020-02-P

## DEPARTMENT OF JUSTICE

### Drug Enforcement Administration

#### Xubex Community Pharmacy; Decision and Order

On May 29, 2024, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause and Immediate Suspension of Registration (OSC/ISO) to Xubex Community Pharmacy of Casselberry, Florida (Respondent). Request for Final Agency Action (RFAA), Exhibit (RFAAX) 1, (hereinafter, OSC/ISO), at 1. The OSC/ISO informed Respondent of the immediate suspension of its DEA registration, No. FX3643081, pursuant to 21 U.S.C. 824(d), alleging that Respondent's continued registration constitutes "an imminent danger to the public health or safety." *Id.* (quoting 21 U.S.C. 824(d)). The OSC/ISO also proposed the revocation of

Respondent's registration, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 823(g)(1), 824(a)(4)).

The OSC/ISO notified Respondent of its right to file with DEA a written request for a hearing within 30 days after the date of receipt of the OSC/ISO. OSC/ISO, at 4 (citing 21 CFR 1301.43(a)). The OSC/ISO also notified Respondent that if it failed to file such a request, it would be deemed to have waived its right to a hearing and be in default. *Id.* (citing 21 CFR 1301.43(c), (d)). The OSC/ISO further notified Respondent that "[d]efault constitutes a waiver of [Respondent's] right to a hearing and an admission of the factual allegations of this [OSC/ISO]." *Id.* (citing 21 CFR 1301.43(e)).

The RFAA asserts that on June 6, 2024, a DEA Diversion Investigator personally served the OSC/ISO on "a representative of Respondent." RFAA, at 1.<sup>1</sup> On June 9, 2024, Mr. M.H.<sup>2</sup> communicated via email to the Government that he represented Respondent and "[Respondent] was taking the default." RFAAX 2, at 1. Accordingly, based on Respondent's failure to request a hearing, answer, or otherwise plead or defend the allegations delineated in the OSC/ISO, the Agency finds that Respondent is deemed to be in default. 21 CFR 1301.43(c). "A default, unless excused, shall be deemed to constitute a waiver of [Respondent's] right to a hearing and an admission of the factual allegations of the [OSC/ISO]." 21 CFR 1301.43(e). To date, Respondent has not filed a motion to excuse the default with the Office of the Administrator.

"In the event that a registrant . . . is deemed to be in default . . . DEA may then file a request for final agency action with the Administrator, along with a record to support its request. In such circumstances, the Administrator may enter a default final order pursuant to [21 CFR] § 1316.67." 21 CFR 1301.43(f)(1). Here, the Government has requested final agency action based on Respondent's default pursuant to 21 CFR 1301.43(c), (f), because Respondent did not request a hearing or file an answer, and it has not filed a motion with the Administrator seeking to excuse the default. *See also id.* § 1316.67.

<sup>1</sup> The RFAA does not include an affidavit from the DEA Diversion Investigator or any other documentary evidence regarding the method of service; however, the Agency can conclude based on the email from Mr. M.H. that Respondent actually received the OSC and therefore that service was proper.

<sup>2</sup> Mr. M.H. is "part owner of the [Xubex Community] Pharmacy." RFAA, at 2.

## I. Findings of Fact

The Agency finds that, in light of Respondent's default, the factual allegations in the OSC/ISO are deemed to be admitted.<sup>3</sup> 21 CFR 1301.43(e). Accordingly, Respondent admits and the Agency finds substantial evidence that on two separate occasions, Respondent dispensed Schedule II controlled substances to a confidential source (CS) in exchange for cash without a prescription being presented for the controlled substances. OSC/ISO, at 3. Specifically, Respondent admits and the Agency finds substantial evidence that on November 30, 2023, it dispensed ten oxycodone<sup>4</sup> tablets to CS in exchange for \$260 in the absence of a prescription. *Id.* Additionally, Respondent admits and the Agency finds substantial evidence that on December 19, 2023, Respondent dispensed two hydromorphone<sup>5</sup> tablets to CS in exchange for \$50 in the absence of a prescription. *Id.*

## II. Discussion

### A. The CSA and the OSC Allegations

Pursuant to the CSA, "[a] registration . . . to . . . distribute[] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section." 21 U.S.C. 824(a)(4). In the case of a "practitioner," Congress directed the Attorney General to consider five factors in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).<sup>6</sup> The five factors are considered in the disjunctive. *Gonzales v. Oregon*, 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) ("It is well established that these factors are to be considered in the disjunctive," (citing *In*

<sup>3</sup> The Agency need not adjudicate the criminal violations alleged in the instant OSC/ISO. *Ruan v. United States*, 597 U.S. 450 (2022) (decided in the context of criminal proceedings).

<sup>4</sup> Oxycodone is a schedule II opioid. OSC/ISO, at 3; *see also* 21 CFR 1308.12(b)(1)(xiv).

<sup>5</sup> Hydromorphone is a schedule II opioid. OSC/ISO, at 3; *see also* 21 CFR 1308.12(b)(1)(vii).

<sup>6</sup> The five factors of 21 U.S.C. 823(g)(1)(A–E) are: (A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

re Arora, 60 FR 4447, 4448 (1995)); *Robert A. Leslie, M.D.*, 68 FR 15227, 15230 (2003). Each factor is weighed on a case-by-case basis. *Morall v. Drug Enf't Admin.*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp. v. Drug Enf't Admin.*, 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall*, 412 F.3d. at n.2; *David H. Gillis, M.D.*, 58 FR 37507, 37508 (1993).

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* public interest revocation case is confined to factors B and D.<sup>7</sup> See OSC/ISO, at 3–4.

According to DEA regulations, “[a]t any hearing for the revocation . . . of a registration, the . . . [Government] shall have the burden of proving that the requirements for such revocation . . . pursuant to . . . 21 U.S.C. 824(a) . . . are satisfied.” 21 CFR 1301.44(e); see also *Morall*, 412 F.3d. at 174; 21 CFR 1301.44(d) (applying the same standard to a “denial of a registration”).

#### *B. Improper Dispensing and Public Interest Analysis*

In the current matter, the Government has alleged that Respondent violated federal and Florida laws regulating controlled substances. OSC/ISO, at 1–5. Specifically, federal law provides that “no controlled substance in schedule II . . . may be dispensed without the written prescription of a practitioner.” 21 U.S.C. 829(a); see OSC/ISO, at 2–3. Similarly, it is unlawful in Florida for any person to “‘sell or dispense<sup>8</sup> drugs . . . without first being furnished with a prescription.’” OSC/ISO, at 2 (citing Fla. Stat. section 465.015(2)(c)).

Here, the Agency finds substantial record evidence that on November 30, 2023, and December 19, 2023, Respondent dispensed Schedule II controlled substances to CS without a prescription, which is a clear violation of Federal and Florida law. 21 U.S.C. 829(a) and 823(g)(1)(D); Fla. Stat. section 465.015(2)(c). The Agency further finds that this misconduct demonstrates Respondent's negative experience in dispensing controlled

substances. 21 U.S.C. 823(g)(1)(B). Accordingly, the Agency concludes that Respondent's continued registration is inconsistent with the public interest. *Id.* sec. 823(g)(1).

As Respondent failed to request a hearing, he has waived the opportunity to present evidence and, therefore, to rebut the Government's *prima facie* case. The Government's *prima facie* case was established by substantial record evidence. *Supra* Section I. Accordingly, the Agency finds that there is substantial and uncontroverted record evidence supporting the revocation of Respondent's registration. 21 U.S.C. 824(a)(4).

#### **III. Sanction**

Where, as here, the Government has met its *prima facie* burden of showing that Respondent's continued registration would be inconsistent with the public interest, the burden shifts to Respondent to show why he can be entrusted with a registration. *Morall*, 412 F.3d. at 174; *Jones Total Health Care Pharmacy, LLC v. Drug Enf't Admin.*, 881 F.3d 823, 830 (11th Cir. 2018); *Garrett Howard Smith, M.D.*, 83 FR 18882 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019); see also *Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *Jones Total Health Care Pharmacy*, 881 F.3d at 833; *ALRA Labs, Inc. v. Drug Enf't Admin.*, 54 F.3d 450, 452 (7th Cir. 1995). A registrant's acceptance of responsibility must be unequivocal. *Jones Total Health Care Pharmacy*, 881 F.3d at 830–31. In addition, a registrant's candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, the Agency has found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 and n.4. The Agency has also considered the need to deter similar acts by the respondent and by the community of registrants. *Jeffrey Stein, M.D.*, 84 FR 46972 and 46973.

Regarding these matters, there is no record evidence that Respondent takes responsibility, let alone unequivocal responsibility, for the founded

violations meaning, among other things, that it is not reasonable to believe that Respondent's future controlled substance-related actions will comply with legal requirements. Accordingly, Respondent did not convince the Agency that he can be entrusted with a registration.

Further, the interests of specific and general deterrence weigh in favor of revocation. Given the foundational nature of Respondent's violations, which more closely resembled drug dealing than legal dispensing, a sanction less than revocation would send a message to the existing and prospective registrant community that compliance with the law is not a condition precedent to maintaining a registration.

Accordingly, I shall order revocation of Respondent's registration as contained in the Order below.

#### **Order**

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FX3643081 issued to Xubex Community Pharmacy. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Xubex Community Pharmacy to renew or modify this registration, as well as any other pending application of Xubex Community Pharmacy for additional registration in Florida. This Order is effective February 24, 2025.

#### **Signing Authority**

This document of the Drug Enforcement Administration was signed on January 16, 2025, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

#### **Heather Achbach,**

*Federal Register Liaison Officer, Drug Enforcement Administration.*

[FR Doc. 2025–01537 Filed 1–22–25; 8:45 am]

**BILLING CODE 4410–09–P**

<sup>7</sup> As already discussed, the record contains no evidence submitted by Respondent. *Supra*.

<sup>8</sup> Florida law defines “dispense” as “the transfer of possession of one or more doses of a medicinal drug by a pharmacist to the ultimate consumer.” Fla. Stat. section 465.003(13). The CSA defines “dispense” as the “deliver[er] [of] a controlled substance to an ultimate user or research subject by, or pursuant to the lawful order of, a practitioner . . . .” 21 U.S.C. 802(10). The CSA defines “deliver” and “delivery” as “the actual, constructive, or attempted transfer of a controlled substance . . . .” *Id.* sec. 802(8).

## DEPARTMENT OF JUSTICE

## Drug Enforcement Administration

[Docket No. 24–1]

## Neumann's Pharmacy, LLC; Decision and Order

On September 12, 2023, the Drug Enforcement Administration (DEA or Government) issued an Order to Show Cause (OSC) to Neumann's Pharmacy, LLC, of Tallulah, Louisiana (Respondent). OSC, at 1. The OSC proposed the revocation of Respondent's DEA Certificate of Registration Number FN4373293, alleging that Respondent's continued registration is inconsistent with the public interest. *Id.* (citing 21 U.S.C. 824(a)(4), 823(g)(1)).

A hearing was held before DEA Administrative Law Judge Teresa A. Wallbaum (the ALJ), who, on June 18, 2024, issued her Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision (Recommended Decision or RD), recommending that Respondent's registration be revoked. RD, at 41. Respondent filed exceptions to the RD.<sup>1</sup> Having reviewed the entire record, the Agency adopts and hereby incorporates by reference the entirety of the ALJ's rulings, credibility findings,<sup>2</sup> findings of fact, conclusions of law, sanctions analysis, and recommended sanction as found in the RD and summarizes and clarifies portions thereof herein.

## I. Louisiana Standard of Care

Dr. DiGi Graham testified as the Government's expert regarding the standard of care for pharmacy practice in the State of Louisiana. *Id.* at 5; Tr. 96–97. Dr. Graham has been licensed as a pharmacist in Oklahoma<sup>3</sup> for approximately thirty years and has extensive experience dispensing medications in retail pharmacies. RD, at 6; Tr. 90–91. Dr. Graham has worked for several independent pharmacies, including opening her own

<sup>1</sup> The Agency has reviewed and considered Respondent's exceptions and addresses them herein, but ultimately agrees with the ALJ's recommendation.

<sup>2</sup> The Agency adopts the ALJ's summary of each witness's testimony, as well as the ALJ's assessment of each witness's credibility. *See* RD, at 3–19.

<sup>3</sup> Although Dr. Graham is not licensed as a pharmacist in Louisiana, she familiarized herself with the standard of care for dispensing controlled substances in Louisiana by reviewing provisions of the Louisiana Administrative Code. RD, at 6; Tr. 96–98. She testified that the law governing the practice of pharmacy in Louisiana is substantially similar to the law governing the practice of pharmacy in Oklahoma, the State in which she is licensed, and that she has consulted on other cases in Louisiana. RD, at 6; Tr. 97, 99, 101–02.

compounding and retail pharmacy in 2002, and she currently works as a consultant. *Id.* The Agency agrees with the ALJ that Dr. Graham was a reliable and persuasive witness who drew on her own experience in retail pharmacy, clearly articulated the standard of care in Louisiana,<sup>4</sup> and “clearly identified each source [that] she consulted to form her opinion on the standard of care for pharmacies in Louisiana.” *Id.* at 7; Tr. 7. Thus, the Agency agrees with the ALJ that Dr. Graham's testimony was fully credible and reliable. RD, at 7.

Dr. Julie Akers, a Washington-licensed pharmacist,<sup>5</sup> and Laura Neumann, Respondent's owner and Pharmacist-in-Charge (PIC), testified on Respondent's behalf. Dr. Akers has been working as a pharmacist for approximately twenty-five years. *Id.* at 8; Tr. 275. Dr. Akers started her career as a retail pharmacist, eventually progressing to a management position where she oversaw compliance of thirty pharmacies, before transitioning to academia in 2013.<sup>6</sup> RD, at 8; Tr. 274–75. The Agency agrees with the ALJ that Dr. Akers “has limited reliability as an expert” because her testimony regarding the standard of care “was, at times, unclear and contradictory.” RD, at 9. For example, as discussed in more detail below, Dr. Akers offered contradictory testimony about whether the standard of care requires pharmacists to document the resolution of red flags.<sup>7</sup> *Id.* Thus, the Agency agrees with the ALJ that Dr. Akers's testimony is “diminished relative to Dr. Graham's,” and credits Dr. Graham's testimony where the two experts disagree.<sup>8</sup> *Id.*

<sup>4</sup> For Dr. Graham's full qualifications, *see* RD, at 5–6; GX 10.

<sup>5</sup> Dr. Akers is not licensed as a pharmacist in Louisiana. RD, at 8; Tr. 278–79. However, Dr. Akers reviewed the statutes and regulations pertaining to pharmacy practice in Louisiana, including the portions of the Louisiana Administrative Code cited by the Government in this case, and performed her own individual research on Louisiana pharmacy practice to determine where Louisiana law overlapped with Federal law. RD, at 8; Tr. 278.

<sup>6</sup> For Dr. Akers's full qualifications, *see* RD, at 8–9; RX 1.

<sup>7</sup> Respondent argues in its Exceptions that Dr. Akers's testimony regarding the standard of care for documenting red flags was not contradictory, and that the ALJ erred in finding that Dr. Akers had only “limited reliability” as an expert. Exceptions, at 7. As discussed in more detail herein, the Agency agrees with the ALJ's assessment of Dr. Akers's testimony regarding documentation, and with the ALJ's credibility assessment. RD, at 9.

<sup>8</sup> The ALJ also found that Dr. Akers's testimony was diminished relative to Dr. Graham's because “Dr. Akers did not actually articulate many portions of the standard of care until she was testifying about a specific patient.” RD, at 9 (citing, *e.g.*, Tr. 325–26). Respondent takes exception to this finding, arguing that it is not necessarily helpful or relevant for an expert to opine on the standard of care in

Ms. Neumann, Respondent's owner and PIC, has been licensed as a pharmacist in Louisiana since 1995. Ms. Neumann worked for several independent pharmacies until she bought Respondent in 2014. *Id.* at 9–10; Tr. 398–400. The Agency agrees with the ALJ that Ms. Neumann had diminished credibility because she was generally guarded and not forthcoming, and her testimony regarding the standard of care was internally inconsistent and confusing. RD, at 13. For example, Ms. Neumann offered contradictory testimony about whether the standard of care requires pharmacists to document the resolution of red flags. RD, at 14; *compare* Tr. 457 (agreeing that the standard of care requires documenting conversations with prescribers and resolution of red flags), *with* Tr. 458 (testifying that there was no obligation to document red flags until 2023). Additionally, Ms. Neumann's testimony primarily consisted of providing *post hoc* justifications for Respondent's dispensing decisions, which are not documented in any of Respondent's records. The Agency does not credit these justifications. *See infra* Section I, Resolving and Documenting Red Flags. Accordingly, the Agency agrees with the ALJ that Ms. Neumann's testimony is entitled to little weight. RD, at 14.

## The Corresponding Responsibility

Dr. Graham testified that the Louisiana standard of care requires knowledge of, and compliance with, all applicable Federal and State laws. *Id.*; Tr. 105 (Graham). As relevant here, the Louisiana standard of care is informed by several provisions of the Louisiana Administrative Code. Dr. Graham and Dr. Akers testified that while a prescribing practitioner has the primary responsibility for the proper prescribing of controlled substances, the pharmacist who dispenses the prescription has a

the abstract, because “[w]hat is required in a given situation depends on what is known to the pharmacist and the unique circumstances peculiar to a patient.” Exceptions, at 19–20. While the Agency agrees that it is important for an expert witness to testify about the specific circumstances surrounding each patient, it is also important for an expert witness to summarize certain fundamental principles of the standard of care to help the Agency assess whether the expert's opinions are consistent with State and Federal law and to help the Agency adjudicate any disagreements among experts regarding the standard of care. As discussed in the RD and throughout this Decision, Dr. Akers's testimony on the standard of care was often vague and amorphous, which allowed her to draw opportunistic conclusions about each patient based on curated information from patient files. Thus, the Agency agrees with the ALJ's assessment of Dr. Akers's credibility and reliability and with the amount of weight that she afforded Dr. Akers's testimony. RD, at 8–9.

“corresponding responsibility” to ensure that each prescription was issued for a legitimate medical purpose in the usual course of professional practice. RD, at 14–15; Tr. 107–09 (Graham), 284 (Akers); La. Admin. Code tit. 46, part LIII, sections 2745(B)(1), 2747(E)(2) (2023).<sup>9</sup>

#### *Identifying Red Flags of Abuse or Diversion*

To determine whether a prescription was issued for a legitimate medical purpose in the usual course of professional practice, a pharmacist must examine each prescription for “red flags” of abuse or diversion of controlled substances. RD, at 15; Tr. 110 (Graham), 285 (Akers). A red flag is “any little alert that requires [a pharmacist] to dig a little deeper and clarify information prior to dispensing.” RD, at 15; Tr. 110 (Graham); *see also* Tr. 285 (Akers) (red flags are “things that are deemed cautionary to where a pharmacist should take pause and use their clinical judgment to review that patient’s file and make a determination if it’s appropriate, if it meets that legitimate purpose or if it does not”). The Louisiana Administrative Code requires pharmacists to review “the patient record and each prescription” for seven “potential situations,” including “drug over-utilization or under-utilization; therapeutic duplication; drug-disease contradictions; drug-drug interactions; inappropriate drug dosage or treatment duration, drug-allergy interactions; or clinical abuse/misuse.”<sup>10</sup> La. Admin. Code tit. 46, part LIII, section 515(a) (2024); RD, at 15; Tr. 109 (Graham). Dr. Graham and Dr. Akers testified about

additional red flags that pharmacists must address and resolve before dispensing a controlled substance.

Dr. Graham testified that drug cocktails are combinations of controlled substances that are known to be diverted and may cause significant patient harm. RD, at 15; Tr. 118–20 (Graham), 288 (Akers). For example, opioids and benzodiazepines are both respiratory depressants that can result in a drug-drug interaction causing significant sedation, respiratory depression, coma, or death when taken together. RD, at 15; Tr. 119–20 (Graham). Thus, Dr. Graham testified that concurrent prescriptions for opioids and benzodiazepines are a red flag in Louisiana. *Id.* Therapeutic duplication is when two or more drugs are prescribed together that “essentially do the same thing in the body.” RD, at 15; Tr. 120 (Graham). Dr. Graham testified that this is a red flag because it can cause patient harm. RD, at 15; Tr. 119–20 (Graham).

Dr. Graham further testified that making a “cash payment” for a controlled substance, rather than billing insurance, is a red flag, because a patient may pay in cash to evade the insurance company’s attempts to monitor for abuse and diversion. RD, at 15; Tr. 81, 121–22, 137–38, 145–46 (Graham). A “cash payment”—also known as “private pay”—refers to any type of payment that is made without billing insurance, and can include actual cash, or payments with a debit or credit card. *Id.*

#### *Resolving and Documenting Red Flags of Abuse or Diversion*

Two points on which Dr. Graham and Dr. Akers disagreed were the methods of resolving a red flag and the methods of documenting that resolution. RD, at 16. According to Dr. Graham, a pharmacist can resolve a red flag by speaking to the prescriber or the patient, depending on the type of red flag, to obtain more information about whether the prescription was issued for a legitimate medical purpose. *Id.*; Tr. 113. The pharmacist must then document the resolution of the red flag on the hard copy prescription, in the pharmacy’s computer system, or in a logbook. RD, at 16; Tr. 112; *see also* La. Admin. Code tit. 46, part LIII, section 1123(L) (2021) (setting forth the recordkeeping requirements for patient profiles, including documenting “any other comments that are relevant to that patient or a specific drug”).<sup>11</sup> Dr.

Graham testified that in the practice of pharmacy, “we document, or it doesn’t happen.” RD, at 16; Tr. 112, 118.

Consistent with Dr. Graham’s testimony, Louisiana law requires pharmacists to maintain a patient record system that documents the resolution of red flags, including a pharmacist’s comments “relevant to the individual patient’s drug therapy, including any other necessary information unique to the specific patient or drug.” La. Admin. Code tit. 46, pt. LIII, section 1123(L).

According to Dr. Akers, a pharmacist may resolve a red flag by examining “the totality of the patient’s file” with the pharmacy, including the fill history, the diagnosis code on the prescription, and the type of provider who issued the prescription. RD, at 16; *see* Tr. 290–99. Essentially, the pharmacist can look to see whether the patient’s file “tells a clinically appropriate story” to determine if a prescription was issued for a legitimate medical purpose, without contacting the doctor or speaking to the patient. *See, e.g.*, Tr. 290–92, 295–97, 306–13, 315, 325–26, 335, 359. Although Dr. Akers testified that the standard of care in Louisiana requires pharmacists to identify and document the resolution of red flags, Tr. 361, she implied that the patient profile itself could serve as the requisite documentation of the resolution of a red flag as long as the patient profile contained facts that justify the prescription. *Id.* at 361–62. Under Dr. Akers’s view, a pharmacist’s documentation can be adequate even if the patient profile does not contain any documentation indicating that the pharmacist actually identified and resolved the red flags, as long as the patient’s file “tells a clinically appropriate story.” *Id.*

On both points, the ALJ found, and the Agency agrees, that Dr. Graham’s testimony is more credible than Dr. Akers’s. RD, at 16. Dr. Akers’s testimony on resolving and documenting red flags is inconsistent with the pharmacist’s independent corresponding responsibility, because it allows the pharmacist to make assumptions about the patient’s treatment based on the prescriptions issued rather than investigating the actual purpose of the prescription by speaking to the prescriber or patient. *Id.* at 17. It also allows pharmacists to fabricate any undocumented, *post hoc* explanation that may seem plausible, which would make it impossible for DEA or any other

resolution may carry forward to future refills. RD, at 16; Tr. 113. The resolution of red flags on refills may be documented by pulling the hard copy of the prescription and signing and dating a note that the pharmacist referenced the resolution. Tr. 114–15.

<sup>9</sup> There were no substantive changes to the relevant portions of the Louisiana Administrative Code cited herein during the time period of the allegations in this case.

<sup>10</sup> Respondent argues that Dr. Graham’s articulation of a red flag as “any little alert that requires [a pharmacist] to dig a little deeper and clarify information prior to dispensing” is inherently vague and “contradicts with the clear and express requirements of La. Admin. Code tit. 46, part LIII, section 515(a).” Exceptions, at 22. While Dr. Graham’s articulation of a red flag is certainly broader than the Louisiana statute in that it requires pharmacists to investigate suspicious circumstances beyond those enumerated, Respondent has not offered any explanation for why it believes that Dr. Graham’s articulation “contradicts” the statute. Both Dr. Graham and Dr. Akers (who articulated a similarly broad definition of red flags) testified that the concept of a red flag derives from the pharmacist’s corresponding responsibility under State and Federal law to review each prescription to ensure that it was issued for a legitimate medical purpose prior to dispensing. Tr. 109–11 (Graham), 284 (Akers). The experts’ testimony suggests that the corresponding responsibility imposes more expansive prescription review requirements on pharmacists than Louisiana Administrative Code title 46, part LIII, section 515(a).

<sup>11</sup> Dr. Graham testified that if a pharmacist identifies, resolves, and documents the resolution of a red flag on an initial fill of a medication, that

regulatory body to determine whether the pharmacist actually exercised its corresponding responsibility before filling the prescription.<sup>12</sup> *Id.* As the Eleventh Circuit stated, a respondent pharmacy “fail[s] to comply with its corresponding responsibility not to fill prescriptions written for illegitimate purposes” when it fails to “tak[e] and document[] steps to resolve . . . red flags or refusing to fill prescriptions with unresolvable red flags.” *Pharmacy Doctors Enterprises Inc., d.b.a. Zion Clinic Pharmacy*, 789 F. App’x 724, 731 (11th Cir. 2020). The Eleventh Circuit also categorically labeled “false” respondent’s suggestion that “DEA itself has held that the lack of documentation of resolution of a red flag is ‘not evidence that a pharmacist failed to resolve a red flag.’” *Id.*

Dr. Graham’s testimony was consistent with the longstanding principle that documentation is a critical step in resolving red flags and dispensing a lawful prescription. When asked whether a failure to document the resolution of a red flag invalidates any efforts to resolve the red flag, Dr. Graham replied, “Correct. Because if it’s not documented, it wasn’t done.” Tr. 191. Thus, the Agency credits Dr. Graham’s formulation of the standard of care regarding the resolution of red flags, and finds that if a pharmacist identifies a red flag when presented with a prescription, the Louisiana standard of care requires the pharmacist to: (1) speak to the prescriber or patient to obtain more information about whether the prescription was issued for a legitimate medical purpose; and (2) document the resolution of the red flag on the hard copy prescription, in the pharmacy’s computer system, or in a logbook prior to dispensing. RD, at 16, 19; Tr. 112–13.

## II. Findings of Fact

### *Respondent’s Improper Dispensing to C.E.*

Respondent filled prescriptions for C.E. in July 2021, October 2021, and December 2021 for hydrocodone-acetaminophen (a Schedule II opioid) and clonazepam (a Schedule IV benzodiazepine).<sup>13</sup> RD, at 19; ALJX 11,

<sup>12</sup> DEA has made clear that “it is unwilling to credit post hoc written or oral justifications for actions taken as a registrant that were not documented,” *AARRIC, Inc. d/b/a at Cost RX*, 87 FR 2905, 2916 (2022).

<sup>13</sup> The prescriptions for hydrocodone-acetaminophen and clonazepam were filled on different days, but always within the same week. RD, at 19 n.20; GX 4, at 2. Dr. Graham testified that the fact that the prescriptions were filled on different days does not eliminate the requirement to resolve the red flag because the patient would

at 2–3, stips. 11–12, 18; GX 5, at 2; Tr. 127. Dr. Graham testified that this drug cocktail raised a red flag due to the drug-drug interaction. RD, at 19; Tr. 127. Dr. Graham testified that the standard of care required Respondent to resolve this red flag, usually by speaking to the prescriber, and to document the resolution on the hard copy of the prescription, in the pharmacy’s computer system, or in a logbook. RD, at 19; Tr. 131.

As for Respondent, Ms. Neumann testified that she resolved the red flag based on the diagnosis codes on the prescriptions and having ongoing conversations with C.E. regarding his medical conditions.<sup>14</sup> RD, at 19; Tr. 443–45. According to Ms. Neumann, C.E. was receiving prescriptions for hydrocodone for “injuries or shoulder pain” from Dr. T.N., Ms. Neumann’s father, while C.E. was between specialists. RD, at 12; Tr. 443. Regarding

still be taking the medications at the same time. RD, at 19 n.20; Tr. 128–29.

<sup>14</sup> The Agency does not credit Dr. Akers’s testimony about C.E. In order to resolve the red flags associated with the drug cocktail prescribed to C.E., Dr. Akers reviewed C.E.’s patient profile and made several assumptions about his treatment, including that the prescriptions came from a surgical hospital and a neurosurgery clinic, and that there was a “very realistic probability” that the prescribing doctor (Dr. C.) was a neurosurgeon. RD, at 17–18 n.17; Tr. 295–99, 306–13. Significantly, however, Dr. Akers’s testimony ignored that the majority of the controlled substances at issue, and specifically those alleged in the OSC, were not issued by Dr. C., a neurosurgeon, but by Dr. T.N., Ms. Neumann’s father. RD, at 17–18 n.17; GX 4 at 2, 9–10, 23–26, 48–51; GX 5, at 2; *see also* Tr. 443. Moreover, Ms. Neumann did not testify that she conducted the analysis outlined by Dr. Akers to resolve the red flag. Thus, Dr. Akers’s testimony highlights that her holistic approach of reviewing the record and making assumptions about the patient’s treatment allows a registrant to fabricate *post hoc* justifications that do not necessarily align with the facts.

Furthermore, even assuming, *arguendo*, that Dr. Akers had been able to “tell[] a clinically appropriate story” about C.E.’s prescriptions that was not contradicted by the record or by Ms. Neumann’s testimony, that would not negate Respondent’s corresponding responsibility to address, resolve, and document red flags prior to dispensing. Dr. Akers acknowledged that she does not know whether Respondent conducted a red flag review, and she testified that a red flag review was necessary in order for Respondent’s dispensing to fall within the standard of care in Louisiana. Tr. 315, 364. The ALJ asked Dr. Akers whether “dispensing the prescriptions for C.E. [would] fall within the Louisiana standard of care,” and Dr. Akers replied, “Yes, it would. *If* the pharmacist did their clinical review and made sure that the medications were for a legitimate purpose and that red flags were resolved.” *Id.* at 315. She later testified that “[t]here’s nothing on the prescriptions that were provided . . . that documents the review . . . [T]here’s nothing that would tell me a pharmacist did or did not do a [drug utilization review] . . .” *Id.* at 364. Thus, the Agency does not credit Dr. Akers’s testimony regarding C.E., and rejects Respondent’s arguments in its Exceptions that Respondent adequately addressed and resolved the red flags for C.E. Exceptions 11–13.

the clonazepam, Ms. Neumann testified, “I think that on the prescription for the clonazepam, it indicates that he was having some anxiety, which is natural when you’re in pain.” *Id.* Ms. Neumann testified that she “did not see that there was a risk of overdose” because C.E. only received a few prescriptions. *Id.* Ms. Neumann also testified that C.E. informed her that he had some type of cervical issue. RD, at 12–13; Tr. 444.

However, Ms. Neumann did not document any of these discussions, and there was no documentation resolving the red flag in C.E.’s patient profile or on the hard copy prescriptions. RD, at 19; GX 4, at 1–2, 9–10, 23–26, 48–51; Tr. 130–31, 445. Thus, Dr. Graham opined, and the Agency finds substantial evidence that, Respondent’s failure to resolve this red flag and document the resolution rendered Respondent’s dispensing to C.E. outside the usual course of professional practice and beneath the Louisiana standard of care.<sup>15</sup> RD, at 20; Tr. 132.

### *Respondent’s Improper Dispensing to J.H.R.*

Respondent filled monthly prescriptions for J.H.R. between September 2020 and January 2022 for hydrocodone-acetaminophen and alprazolam (a Schedule IV benzodiazepine). RD, at 20; ALJX 11, at 2–3, stips. 11, 13, 19; GX 7, at 1; Tr. 133–36. Dr. Graham, Dr. Akers, and Ms. Neumann testified that this drug cocktail raised a red flag due to drug-drug interaction. RD, at 20; Tr. 133–34 (Graham), 383 (Akers), 420, 434, 454 (Neumann). Additionally, from March 2021 through September 2021, J.H.R. made cash payments for her controlled substance prescriptions, while billing insurance for her non-controlled substance prescriptions. RD, at 22–23; GX 6, at 2–3; GX 7, at 1–2; Tr. 137–38 (Dr. Graham testifying that the method of payment for non-controlled substances was “Copay Generic,” which indicates that insurance was billed, while the method of payment for controlled substances was “RX Generic,” which indicates that insurance was not billed). Dr. Graham testified that J.H.R.’s cash payments raised an additional red flag. RD, at 23–

<sup>15</sup> At the hearing, Respondent’s counsel argued that C.E.’s billing of insurance for these prescriptions, the fact that the insurance company did not reject the claims, and that there was no evidence of early refills, “lends further support to the legitimacy of the prescriptions.” RD, at 20 n.22; Tr. 300–03. The Agency agrees with the ALJ that these inferences are attenuated and that they do not absolve Respondent from exercising its corresponding responsibility to ensure the legitimacy of the prescriptions prior to dispensing. RD, at 20 n.22.

24; Tr. 112, 121–22, 138–39. Dr. Graham testified that the standard of care required Respondent to resolve these red flags and document their resolution on the hard copy of the prescription, in the pharmacy's computer system, or in a logbook. RD, at 20, 24; Tr. 112, 136.

#### *J.H.R.'s Cash Payments*

Regarding the cash payments red flag, Ms. Neumann testified that J.H.R. has been a patient at Respondent since 2015. RD, at 11; Tr. 422–23, 426. Until March 2021, J.H.R. used insurance to pay for all medications, including controlled substances and non-controlled substances. See GX 6, at 2–3 (listing the method of payment for all drugs as “Copay Generic”). Ms. Neumann testified that, at some point around March 2021, J.H.R.'s insurance company rejected coverage for one of her prescriptions. RD, at 11; Tr. 408–09. Ms. Neumann recalled asking J.H.R. whether she had a new insurance card, but J.H.R. reported that she had lost her job and no longer had insurance. *Id.* Ms. Neumann testified that from that point onward, J.H.R. paid for all of her prescriptions out of pocket. RD, at 11; Tr. 410. However, J.H.R.'s patient profile shows that from March 2021 through September 2021, the method of payment for controlled substances was “RX Generic,” while the method of paying for non-controlled substances was “Copay Generic,” which suggests that J.H.R. still had insurance but chose not to bill insurance for her controlled substances.<sup>16</sup> GX 6, at 2–3.

Ms. Neumann testified that she did not document her conversations with J.H.R., and there was no documentation resolving the cash payments red flag in J.H.R.'s patient profile or on the hard

<sup>16</sup> Respondent argues, based on Dr. Akers's testimony, that from March 2021 through September 2021, the non-controlled substance prescriptions were actually paid for using a discount prescription card, rather than insurance. Exceptions, at 14–16; ALJX 27, at 4; RD, at 23. Thus, according to Respondent, J.H.R.'s cash payments were not a red flag, because J.H.R. did not have insurance. *Id.* However, Respondent did not produce any evidence to corroborate Dr. Akers's testimony that a discount prescription card was used, nor is there any documentation in J.H.R.'s patient file indicating that J.H.R. lost her insurance in March 2021. Notably, Ms. Neumann did not testify that J.H.R. used a discount prescription card, nor did she offer any explanation for why J.H.R.'s non-controlled prescriptions continued to show up as “Copay Generic” after she allegedly lost her insurance in March of 2021. See Tr. 407–10 (testifying that J.H.R.'s insurance card was rejected in March of 2021, and from that point onward, J.H.R. “paid the total out-of-pocket cost [of the prescriptions] herself.”) Thus, the Agency credits Dr. Graham's testimony that the record indicates that the non-controlled substance prescriptions were paid for using insurance from March 2021 through September 2021, and that this is a red flag that was not resolved. *Id.*; Tr. 137.

copy prescriptions. RD, at 11; Tr. 412. Thus, Dr. Graham opined, and the Agency finds substantial evidence that, Respondent's failure to resolve this red flag and document the resolution rendered Respondent's dispensing to J.H.R. outside the usual course of professional practice and in violation of the Louisiana standard of care. RD, at 22–24; Tr. 139–40.

#### *J.H.R.'s Drug Cocktails*

Regarding the drug cocktails, Ms. Neumann acknowledged that the combination of hydrocodone-acetaminophen and alprazolam raised a red flag. RD, at 11; Tr. 420, 434. Ms. Neumann testified that when J.H.R. first became a patient in 2015, she contacted the prescriber, Dr. T.N. (Ms. Neumann's father), and resolved this red flag. RD, at 11; Tr. 420. She testified that she documented the resolution of the red flag on the back of prescriptions issued on August 17, 2015, November 16, 2015, and December 19, 2015, using the notations “DD,” “M0,” and “1G.” RD, at 11; Tr. 420, 422; RX 6 at 2, 4, 6. Dr. Akers testified that “DD” indicates a drug duplication, “M0” indicates a consultation with the prescriber, and “1G” indicates the prescription was filled after consultation with the prescriber. RD, at 11; Tr. 316–318.

The Agency rejects Respondent's arguments that her documentation in 2015 regarding the drug cocktails resolved the red flag for prescriptions issued between 2020 and 2022.<sup>17</sup> There

<sup>17</sup> Dr. Akers testified that the prescriptions issued from 2020 through 2022 were a “continuation of therapy” from the prescriptions in 2015, and that Respondent's notations on the 2015 prescriptions were sufficient to resolve the red flags for the later prescriptions. RD 20–21; Tr. 325–26; Exceptions, at 14–16. On the other hand, Dr. Graham testified that a pharmacist may only carry over a red flag resolution for a refill of a prescription, and refills are not permitted for hydrocodone, a Schedule II controlled substance. RD, at 21; Tr. 113–15; La. Admin. Code tit. 46, part LIII, section 2745(F)(3)(a) (“The refilling of a prescription for a controlled substance listed in Schedule II is prohibited.”).

The ALJ found, and the Agency agrees, that Dr. Graham's testimony on this issue was more credible than Dr. Akers's. RD, at 21–22, 21 n.23. Neither Dr. Akers nor Respondent produced convincing evidence, supported by concurrent documentation, to establish that the 2020 prescriptions were a “continuation of therapy” from 2015. RD, at 21–22 n.23. As the ALJ noted, there is a significant gap between the 2015 prescriptions and the first prescription charged in the OSC dated September 2020. *Id.* It is entirely possible that the prescriptions did change between 2015 and 2020. *Id.* Respondent's failure to produce relevant documents for that time period showing that the prescriptions did not change gives rise to an inference that those documents do not exist. *Huthnance v. DC*, 722 F.3d 371, 378 (D.C. Cir. 2013) (“Respondent's decision not to provide records gives rise to an inference that any such evidence is unfavorable to Respondent.”), *Int'l Union, United Auto., Aerospace & Agric. Implement Workers of Am. (UAW) v. Nat'l Labor Relations Bd.*, 459 F.2d 1329, 1336 (D.C. Cir. 1972);

was no documentation resolving the red flag for the prescriptions issued from 2020 through 2022 in J.H.R.'s patient profile or on the hard copy prescriptions. RD, at 21; GX 6, at 1–3, 24–27, 42–45; Tr. 136. Thus, Dr. Graham opined, and the Agency finds substantial evidence that, Respondent's failure to resolve this red flag and document the resolution rendered Respondent's dispensing to J.H.R. outside the usual course of professional practice and in violation of the Louisiana standard of care. RD, at 20–22; Tr. 139.

#### *Respondent's Improper Dispensing to S.W.*

On six occasions between May 2020 and December 2021, Respondent dispensed diazepam (a Schedule IV benzodiazepine) along with three forms of butalbital (a Schedule III sedative)<sup>18</sup> to S.W. on the same day. RD, at 24; ALJX 11 at 3–4, stips. 9, 10, 14, 20; GX 9; Tr. 140–42. One of the butalbital products contained codeine (a Schedule III controlled opioid). ALJX 11 at 3–4, stips. 9–10. Combining diazepam with codeine and butalbital can increase the risk of respiratory depression, coma, and death, and both Dr. Graham and Dr. Akers testified that this drug cocktail raised a red flag due to the drug-drug interaction. RD, at 24; Tr. 141 (Graham), 335 (Akers). Dr. Graham testified that these prescriptions also raised the red flag of therapeutic duplication. RD, at 25; ALJX 11, at 4, stip. 20; GX 9; Tr. 143–44. Dr. Graham testified that “there[is] no rationale to use three different [butalbital] products like this together.” Tr. 143.<sup>19</sup> Dr. Graham

see also RD, at 21–22 n.23. *Id.* Thus, without documentation confirming that the prescriptions were a “continuation of therapy,” Respondent cannot substantiate its argument. RD, at 21–22 n.23 (citing *Coconut Grove Pharmacy*, 89 FR 50372, 50374 (2024)). Moreover, Dr. Akers acknowledged that she asked Respondent's counsel for J.H.R.'s records for the intervening years, but did not receive them. RD, at 21–22 n.23; Tr. 381–82. Dr. Akers conceded that the missing documents undermined the weight of her opinion. RD, at 21–22 n.23; Tr. 382, 385.

<sup>18</sup> The three butalbital prescriptions included the following combinations: butalbital-aspirin-caffeine, butalbital-acetaminophen-caffeine, and butalbital-aspirin-caffeine with codeine. GX 9.

<sup>19</sup> S.W. paid for all of her controlled substance and non-controlled substance prescriptions using cash, which Dr. Graham testified raised another red flag of abuse or diversion. RD, at 24; Tr. 145; GX 8 at 1–2; GX 9. Respondent argues, based on Dr. Akers's testimony, that cash payments are only a red flag if a patient has insurance, but chooses to pay for controlled substances with cash. RD, at 22 n.25; ALJX 27 at 14; Exceptions, at 5–7. The ALJ found, based on Dr. Graham's testimony, that cash payments are a red flag even if the patient does not have insurance, and concluded that Respondent failed to address and resolve the cash payments red flag for S.W. RD, at 22 n.25, 33; Tr. 121–22, 145.

testified that the standard of care required Respondent to resolve these red flags and document their resolution on the hard copy of the prescription, in the pharmacy's computer system, or in a logbook prior to dispensing. RD, at 24–25; Tr. 142, 145.

#### *S.W.'s Drug Cocktails*

As for Respondent, Ms. Neumann testified that she resolved the drug cocktail red flag through conversations with the prescriber, Dr. T.N. (Ms. Neumann's father), who told her that diazepam was indicated for muscle relaxation. RD, at 12; Tr. 436–37. However, there was no documentation of Ms. Neumann's discussions with Dr. T.N., nor was there any documentation resolving the drug-drug interaction red flag in S.W.'s patient profile or on the hard copy prescriptions. RD, at 24–25; Tr. 142, 414, 419; GX 8. Thus, Dr. Graham opined, and the Agency finds substantial evidence that, Respondent's failure to resolve this red flag and document the resolution rendered Respondent's dispensing to S.W. outside the usual course of professional practice and in violation of the Louisiana standard of care. RD, at 24–26; Tr. 147.

#### *S.W.'s Therapeutic Duplication*

Ms. Neumann testified that Dr. T.N. informed her that S.W. was taking each medication for a specific type of headache, and S.W. knew when to take each medication. RD, at 12; Tr. 419. Ms. Neumann testified that she spoke to S.W., and S.W. reported that she was alternating the butalbital products.<sup>20</sup> RD, at 12; Tr. 465. Ms. Neumann testified that S.W. is “highly intelligent and very focused,” and she counseled S.W. to avoid exceeding acetaminophen dosage limits. *Id.* Ms. Neumann testified that she would not have filled these prescriptions if she had not spoken to Dr. T.N. and S.W., and that these conversations allowed her to resolve this red flag. Tr. 419.

Based on the overwhelming nature of the evidence establishing Respondent's other misconduct in its dispensing of controlled substances, the Agency need not reach a factual finding with regard to the cash payment red flag for S.W.

<sup>20</sup>Dr. Akers testified that she deduced from looking at S.W.'s records that S.W. was alternating between the medications rather than taking them at the same time because there was a three-to-four-month gap between the prescriptions. RD, at 17 n.17, 25 n.28; Tr. 335. This alleviated Dr. Akers's concerns about the therapeutic duplication red flag. Tr. 335. However, Dr. Akers acknowledged that there were no instructions on the prescriptions telling the patient to alternate the medications, and there was no documentation in the record indicating that the patient was doing so. *Id.* at 369–71.

However, there was no documentation of Ms. Neumann's discussions with Dr. T.N. or S.W., nor was there any documentation resolving the therapeutic duplication red flag in S.W.'s patient profile or on the hard copy prescriptions. RD, at 24–25; Tr. 142, 414, 419; GX 8. Thus, Dr. Graham opined, and the Agency finds substantial evidence that, Respondent's failure to resolve this red flag and document the resolution rendered Respondent's dispensing to S.W. outside the usual course of professional practice and in violation of the Louisiana standard of care. RD, at 24–26; Tr. 147.

#### *Respondent's Improper Dispensing to L.N.*

On February 7, 2020 and March 6, 2021, Respondent filled controlled substance prescriptions for Ms. Neumann that were issued by Dr. T.N., Ms. Neumann's father.<sup>21</sup> RD, at 26; ALJX 11, at 3, stip. 16; GX 3; Tr. 347–48, 403. Louisiana law prohibits physicians from prescribing controlled substances to certain relatives, including children, except in cases of emergency. RD, at 26; La. Admin. Code, tit. 46, part XLV, section 7603(A)(11) (2024). Ms. Neumann acknowledged that these prescriptions were not lawful and that the Louisiana Administrative Code prohibits providers from issuing prescriptions to family members. RD, at 26; Tr. 405, 347–48. Thus, the Agency finds substantial evidence that Respondent did not dispense these prescriptions in accordance with the standard of care in Louisiana, and that these prescriptions were not dispensed in the usual course of professional practice. RD, at 26.

## II. Discussion

### *A. The Controlled Substances Act (CSA)*

Under Section 304 of the CSA, “[a] registration . . . to . . . distribute[] or dispense a controlled substance . . . may be suspended or revoked by the Attorney General upon a finding that the registrant . . . has committed such acts as would render his registration under . . . [21 U.S.C. 823] inconsistent with the public interest as determined by such section.” 21 U.S.C. 824(a)(4). In the case of a “practitioner,” which is defined in 21 U.S.C. 802(21) to include a “pharmacy,” Congress directed the Attorney General to consider five factors

<sup>21</sup>These prescriptions were for guaifenesin-codeine, a Schedule V controlled substance (February 7, 2020), butalbital-aspirin-caffeine with codeine (March 6, 2021), and butalbital-aspirin-caffeine (March 6, 2021). ALJX 11 at 3, stips. 8, 16, 17; GX 3; Tr. 347–48, 403.

in making the public interest determination. 21 U.S.C. 823(g)(1)(A–E).<sup>22</sup> The five factors are considered in the disjunctive. *Gonzales v. Oregon*, 546 U.S. 243, 292–93 (2006) (Scalia, J., dissenting) (“It is well established that these factors are to be considered in the disjunctive,” citing *In re Arora*, 60 FR 4447, 4448 (1995)); Robert A. Leslie, M.D., 68 FR 15,227, 15,230 (2003). Each factor is weighed on a case-by-case basis. *Morall v. Drug Enft Admin.*, 412 F.3d 165, 173–74 (D.C. Cir. 2005). Any one factor, or combination of factors, may be decisive. *Penick Corp. v. Drug Enft Admin.*, 491 F.3d 483, 490 (D.C. Cir. 2007); *Morall*, 412 F.3d at n.2; *David H. Gillis, M.D.*, 58 FR 37507, 37508 (1993).

According to DEA regulations, “[a]t any hearing for the revocation . . . of a registration, the . . . [Government] shall have the burden of proving that the requirements for such revocation . . . pursuant to . . . 21 U.S.C. 824(a) . . . are satisfied.” 21 CFR 1301.44(e); see also *Morall*, 412 F.3d at 174.

In this matter, while all of the 21 U.S.C. 823(g)(1) factors have been considered, the Agency finds that the Government's evidence in support of its *prima facie* case is confined to factors B and D. RD, at 26–28; see also *id.* at 28 n.30 (finding that Factors A, C, and E do not weigh for or against revocation).

Having reviewed the record and the RD, the Agency agrees with the ALJ, adopts the ALJ's analysis, and finds substantial record evidence that the Government satisfies its *prima facie* burden of showing that Respondent's continued registration is “inconsistent with the public interest.” 21 U.S.C. 824(a)(4); RD, at 26–34.

### *B. Allegation That Respondent's Registration Is Inconsistent With the Public Interest*

Factors B and/or D—Respondent's Experience in Dispensing Controlled Substances and Compliance With Applicable Laws Related to Controlled Substances

According to the CSA's implementing regulations, a lawful prescription for

<sup>22</sup>The five factors of 21 U.S.C. 823(g)(1)(A–E) are:

(A) The recommendation of the appropriate State licensing board or professional disciplinary authority.

(B) The [registrant's] experience in dispensing, or conducting research with respect to controlled substances.

(C) The [registrant's] conviction record under Federal or State laws relating to the manufacture, distribution, or dispensing of controlled substances.

(D) Compliance with applicable State, Federal, or local laws relating to controlled substances.

(E) Such other conduct which may threaten the public health and safety.

controlled substances is one that is “issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his professional practice.” 21 CFR 1306.04(a); see *Gonzales v. Oregon*, *supra*, 546 U.S. at 274, *United States v. Hayes*, 595 F.2d 258 (5th Cir. 1979), *rehearing den.*, 598 F.2d 620 (5th Cir. 1979), *cert. denied*, 444 U.S. 866 (1979); see also La. Admin. Code tit. 46, part LIII, sections 2745(B)(1), 2747(E)(2); GX 11, at 2; *supra* section I. Additionally, Louisiana law prohibits physicians from prescribing controlled substances to certain relatives, including children, except in cases of emergency. RD, at 26; La. Admin. Code, tit. 46, part XLV, section 7603(A)(11).

The Agency agrees with the Government expert’s opinion and the ALJ’s analysis, and finds that there is substantial record evidence that Respondent’s dispensing fell below the Louisiana standard of care, and thus was outside the usual course of professional practice. This is because, as detailed above, the Agency finds that there is substantial record evidence that Respondent: (1) repeatedly dispensed controlled substances to three patients without properly addressing and resolving clear red flags of abuse and diversion, including dangerous drug cocktails with drug-drug interactions, therapeutic duplication, and cash payments for controlled substances; (2) failed to maintain appropriate records that documented the resolution of these red flags; and (3) filled several prescriptions for Ms. Neumann that were issued by Ms. Neumann’s father, in violation of State law. See RD, at 19–34.

In sum, the Agency finds substantial record evidence that the Government established a *prima facie* case that Respondent violated Federal and State law. Accordingly, the Agency finds that the Government established a *prima facie* case, that Respondent did not successfully rebut that *prima facie* case, and that there is substantial record evidence supporting the revocation of Respondent’s registration. 21 U.S.C. 824(a)(4).

### III. Sanction

Where, as here, the Government has met its *prima facie* burden of showing that Respondent’s continued registration is inconsistent with the public interest due to its numerous violations pertaining to controlled substances, the burden shifts to Respondent to show why it can be entrusted with a registration. *Morall*, 412 F.3d. at 174; *Jones Total Health Care Pharmacy*, 881 F.3d 823, 830 (11th Cir. 2018); *Garrett*

*Howard Smith, M.D.*, 83 FR 18882 (2018). The issue of trust is necessarily a fact-dependent determination based on the circumstances presented by the individual respondent. *Jeffrey Stein, M.D.*, 84 FR 46968, 46972 (2019); see also *Jones Total Health Care Pharmacy*, 881 F.3d at 833. Moreover, as past performance is the best predictor of future performance, DEA Administrators have required that a registrant who has committed acts inconsistent with the public interest must accept responsibility for those acts and demonstrate that it will not engage in future misconduct. *Jones Total Health Care Pharmacy*, 881 F.3d at 833. A registrant’s acceptance of responsibility must be unequivocal. *Id.* at 830–31. In addition, a registrant’s candor during the investigation and hearing has been an important factor in determining acceptance of responsibility and the appropriate sanction. *Id.* Further, DEA Administrators have found that the egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction. *Id.* at 834 and n.4. DEA Administrators have also considered the need to deter similar acts by the respondent and by the community of registrants. *Jeffrey Stein, M.D.*, 84 FR 46972 and 46973.

#### A. Acceptance of Responsibility

Here, the ALJ found, and the Agency agrees, that there is substantial record evidence that Respondent failed to unequivocally accept responsibility for its repeated violations of Federal and State law. RD, at 35–37. Ms. Neumann explicitly denied responsibility for failing to address and resolve red flags. See, e.g., Tr. 410, 420 (testifying that she resolved the red flags for J.H.R.), 412–13, 418–19, 435–37 (testifying that she resolved the red flags for SW), 443–45 (testifying that she resolved the red flags for C.E.).<sup>23</sup> Although Ms. Neumann

<sup>23</sup> Respondent argues in its Exceptions that the ALJ erred in finding that Ms. Neumann failed to accept responsibility. Exceptions, at 22–23. Respondent argues that the Government only proved that Respondent failed to document the resolution of red flags, but it did not prove that Respondent failed to address and resolve red flags, so Ms. Neumann is only required to accept responsibility for her failure to document. *Id.* The Agency rejects this argument. As discussed throughout this Decision, documentation is a critical component of addressing and resolving red flags. Dr. Graham testified that in the practice of pharmacy, “we document, or it doesn’t happen.” RD, at 16; Tr. 112, 118 (Graham). See also La. Admin. Code tit. 46, part LIII, section 1123(L) (2021) (setting forth the recordkeeping requirements for patient profiles, including documenting “any other comments that are relevant to that patient or a specific drug”). The Agency may infer from a registrant’s failure to document that the registrant failed to address and resolve red flags. See *supra*

acknowledged that she failed to document the resolution of red flags, she denied that this failure rendered Respondent’s dispensing beneath the standard of care. *Id.* at 395–96. She testified that until 2023, it was “best practice” to document the resolution of red flags, but it was not required by the standard of care. RD, at 12, 36; Tr. 458. However, she offered no support for how she chose this arbitrary date, which was conveniently outside the date of the allegations in the OSC. As explained above, Ms. Neumann’s testimony conflicted with the testimony of Respondent’s and the Government’s expert, who both testified that documentation was required as part of the standard of care during the time period at issue here. RD, at 36. As the ALJ observed, if Ms. Neumann cannot even acknowledge that Respondent’s failure to document fell below the standard of care, she cannot accept responsibility for it. *Id.*<sup>24</sup>

Ms. Neumann also made statements that minimized Respondent’s misconduct. *Id.* The most glaring example was Ms. Neumann’s characterization of the prescriptions that Respondent filled for Ms. Neumann that were written by Ms. Neumann’s father, in violation of Louisiana law. *Id.* Ms. Neumann argues that Respondent’s mistakes were “inadvertent,” and that she believed “in good faith” that the prescriptions were valid. *Id.*; ALJX 27, at 17. However, the law prohibiting physicians from prescribing controlled substances to their family members had been in effect for at least five years when Respondent filled the prescriptions at issue in this case, which indicates that Respondent’s misconduct

Section I, Resolving and Documenting Red Flags. The Agency makes that inference here, because Respondent’s documentation in this case does not reflect any attempt to identify, address, or resolve red flags. Thus, in order to unequivocally accept responsibility, Respondent must accept responsibility for failing to address and resolve red flags, as well as for failing to document the resolution. Respondent did not unequivocally accept responsibility for either failure.

<sup>24</sup> See *Pharmacy Doctors Enterprises Inc., d.b.a. Zion Clinic Pharmacy*, 789 F. App’x at 732–33 (“‘Because the record supports the Acting Administrator’s findings that [the respondent’s PIC] . . . did not understand the scope of her responsibilities under the CSA, we conclude that the [Acting Administrator’s] determination that [the respondent’s PIC] did not fully accept responsibility for [the respondent’s] misconduct was rational and supported by substantial evidence.’”); *Jones Total Health Care Pharmacy*, 881 F.3d at 833 (“‘Because the record supports the Acting Administrator’s findings that [the respondent] did not acknowledge the prior misconduct and still did not understand the scope of her responsibilities under the CSA, we conclude that the determination that [the respondent] did not fully accept responsibility for [respondent’s] misconduct was rational and supported by substantial evidence.’”).

was much more serious than inadvertent, good faith violations.<sup>25</sup> See 41 La. Reg. 2146 (Oct. 20, 2015). Respondent's attempts to minimize this egregious misconduct undermine any purported acceptance of responsibility. *Michael A. White v. Drug Enf't Admin.*, 626 F. App'x 493, 496–97 (5th Cir. 2015); RD, at 36 (citing *Medical Pharmacy*, 86 FFR 72030, 72054 (2021) (“[T]he agency has long considered statements that are aimed at minimizing the egregiousness of its conduct to weigh against a finding of acceptance of full responsibility.”); *Ronald Lynch, M.D.*, 75 FR 78745, 78754 (2010).

Respondent's counsel also attempted to shift blame for Respondent's violations to DEA, which further detracts from Respondent's acceptance of responsibility. RD, at 37 (citing *Ester Mark, M.D.*, 86 FR 16760, 16762 (2021) (finding that the respondent did not accept responsibility because she “pass[ed] blame on DEA for not telling her how to comply with recordkeeping requirements”). For example, Respondent's counsel blamed DEA for not providing records from outside the timeframe of the OSC—which were likely in Respondent's control—and argued that these records would support Respondent's assertion that it fulfilled its corresponding responsibility. RD, at 37; see Tr. 385. Further, in its Post Hearing Brief, Respondent argues that there is a “profound dearth of regulation or guidance clarifying the nature, scope and extent of a pharmacy's ‘corresponding responsibility’ and what it specifically requires.” ALJX 27, at 6. On the contrary, DEA regularly publishes detailed decisions sanctioning pharmacies for violating their corresponding responsibility, which summarize DEA's interpretation of the

<sup>25</sup> Ms. Neumann testified that she regularly filled her prescriptions from her father at another local pharmacy, and that the pharmacy was “absolutely” aware of her relationship with her father. Tr. 405. The ALJ interpreted this testimony as an attempt to shift blame for Respondent's misconduct on others, and stated that “Ms. Neumann testified that she believed the prescriptions issued to her by her father were valid because another pharmacy had been filling the prescription.” RD, at 37. Respondent argues in its Exceptions that this testimony was not meant to shift blame, but was “merely to show that [Ms. Neumann] was not acting in bad faith.” Exceptions, at 23. The Agency appreciates the distinction that Respondent is drawing between shifting blame and justifying her conduct, but the Agency agrees with the ALJ that this testimony was troubling because it implies that Ms. Neumann believes it is reasonable to be unaware of the law if other pharmacists are also unaware. In other words, it reflects an attempt to minimize the egregious conduct of filling prescriptions that were clearly unlawful in Louisiana, and suggests that the Agency cannot trust Respondent to exercise her independent responsibility to ensure compliance with all State, Federal, and local laws.

relevant statutes, cite to relevant Federal court decisions and prior Agency decisions, and apply the legal principles to the facts of the case. These decisions provide ample notice to the registrant community of DEA's expectations. Moreover, Respondent's violations do not involve the application of complex or obscure statutes or regulations. Rather, Respondent's deficiencies outlined in this Decision—such as failure to resolve and document blatant red flags of drug abuse—are core failures that violate bedrock principles of the CSA and the Louisiana standard of care. Accordingly, the ALJ found, and the Agency agrees, that Respondent has not fully and unequivocally accepted responsibility for its misconduct. RD, at 35–37.

### B. Remedial Measures

When a registrant fails to make the threshold showing of acceptance of responsibility, the Agency need not address the registrant's remedial measures. *Ajay S. Ahuja, M.D.*, 84 FR 5479, 5498 n.33 (2019) (citing *Jones Total Health Care Pharmacy*, 81 FR 79202 and 79203); *Daniel A. Glick, D.D.S.*, 80 FR 74800, 74801, 74810 (2015). Even so, the Agency agrees with the ALJ that Respondent's evidence of remedial measures would not change the result of this case, even if Respondent had unequivocally accepted responsibility. RD, at 38. The only “remedial measures” that Respondent offered at the hearing were Ms. Neumann's testimony that she now takes continuing education courses regarding Federal and Louisiana law and that she keeps current with bulletins from Louisiana and the DEA. *Id.*; Tr. 407. As Ms. Neumann herself acknowledged, she should have already known the Federal and Louisiana law regarding controlled substance prescribing. Tr. 405. Testifying that she is now doing what she should have done before these proceedings is inadequate to demonstrate that Respondent can now be entrusted with a DEA registration. See *Mireille Lalanne, M.D.*, 78 FR 47750, 47777 (2013) (“The Agency has recognized that a cessation of illegal behavior only when DEA comes knocking at one's door can be afforded a diminished weight borne of its own opportunistic timing.”) (internal quotation marks and citation omitted); see also *Noah David, P.A.*, 87 FR 21165, 21173 n.\*G (2022) (“I do not find significant value to the important question of whether [the respondent] can be entrusted with a CSA registration

in remedial measures that meet continuing education requirements.”).<sup>26</sup>

### C. Deterrence and Egregiousness

In addition to unequivocally accepting responsibility, the Agency considers both specific and general deterrence when determining an appropriate sanction. *Daniel A. Glick*, 80 FR 74810. In this case, the Agency agrees with the ALJ that the interests of specific deterrence militate in favor of revocation given that Respondent's owner filled many of the prescriptions at issue, yet failed to unequivocally accept responsibility and minimized the egregiousness of Respondent's violations. RD, at 40–41. Respondent also failed to demonstrate that it has undertaken sufficient remedial measures to assure the Agency that a sanction short of revocation would be sufficient to prevent future misconduct. *Id.* at 40. The interests of general deterrence also support revocation, as a lack of sanction in the current matter would send a message to the registrant community that the failure to properly address and document resolution of red flags can be excused. *Id.*

<sup>26</sup> Respondent discusses additional remedial measures in its Post Hearing Brief and Exceptions that were not addressed at the hearing, and argues that the ALJ erred in finding that its remedial measures were insufficient. ALJX 27, at 20; Exceptions, at 24–26. Respondent further asserts in its Exceptions that “Respondent wished to discuss remedial measures further at the hearing, but the Government objected to such testimony.” Exceptions, at 24 (citing Tr. 395). The Agency rejects the implication that Respondent was not given the opportunity to present its evidence of remedial measures at the hearing. Although the Government did object to Ms. Neumann offering testimony about remedial measures that was not disclosed in its Prehearing Statement or Supplemental Prehearing Statement, RD, at 38 n.26; ALJX 10, 16, the ALJ clearly stated that she would give Respondent the opportunity to present that evidence: “As you know, I tend to let the respondent make her case and I'll weigh it afterwards with that in mind.” Tr. 295. The ALJ later reiterated that she had “given [Respondent's counsel] some latitude to have any summary about acceptance of responsibility or remedial measures” that was not disclosed in the Prehearing Statements. *Id.* at 416–17.

Even though the ALJ offered repeated assurances that she would allow Respondent to present undisclosed testimony about remedial measures, Respondent's counsel chose not to do so. Thus, the ALJ correctly declined to consider evidence of remedial measures that Respondent did not raise at the hearing, and the Agency declines to consider that evidence in this Decision. See RD, at 38 n.26. As the ALJ noted, the evidence of remedial measures that Respondent summarizes in its Post Hearing Brief and Exceptions is unsworn and filtered through Respondent's counsel, and the Government has not had an opportunity to challenge this evidence. *Id.*; ALJX 27 at 20; Exceptions, at 24–26. Thus, the Agency agrees with the ALJ that Respondent's remedial measures are not sufficient to restore the Agency's trust, especially in light of Respondent's failure to accept responsibility.

Moreover, the Agency agrees with the ALJ that Respondent's actions were egregious. *Pharmacy Doctors Enterprises Inc., d.b.a. Zion Clinic Pharmacy*, 789 F. App'x at 732 ("In sum, given the plentiful instances of [respondent] breaking federal and state law in filling prescriptions with indicia that the drugs would be used for non-medical uses, substantial evidence supports the Acting Administrator's findings that [respondent's] conduct was "egregious" and that its "experience in dispensing" and "compliance with applicable State[] [and] Federal . . . laws relating to controlled substances" counseled against registration."); RD, at 39–40. As the ALJ noted, Respondent repeatedly dispensed dangerous combinations of controlled substances to three patients for several years without resolving multiple red flags indicative of abuse and diversion. RD, at 39. Dr. Graham testified that the opioid and benzodiazepine drug cocktail that Respondent repeatedly dispensed is frequently abused and diverted and can result in significant sedation, respiratory depression, coma, or death.<sup>27</sup> *Id.* at 15; Tr. 118–20 (Graham), 288. Adding to the egregiousness, many of the prescriptions that Respondent filled were issued by Dr. T.N., Ms. Neumann's father, and several were issued in clear violation of the Louisiana law prohibiting prescribing controlled substances to family members. The egregiousness of Respondent's conduct is also enhanced by Ms. Neumann's failure to accept responsibility and her lack of knowledge of the Louisiana standard of care and applicable State and Federal laws.

#### Respondent's Exceptions<sup>28</sup>

##### Exceptions 1–2, 6

Dr. Graham testified that she was suspended by the Oklahoma Board of

<sup>27</sup> Respondent argues that there was no evidence of actual diversion, harm to patients, or gross negligence, and its misconduct was not intentional. RD, at 39; ALJX 27, at 8, 21. However, it is not necessary for the Agency to find harm to revoke a registration. *Melanie Baker, N.P.*, 86 FR 23998, 24009 (2021); *Larry C. Daniels, M.D.*, 86 FR 61630, 61660 and 61661 (2021); *Jeanne E. Gerneil, M.D.*, 85 FR 73786, 73799 n.32 (2020). Nor is it necessary for the Agency to prove that a registrant committed intentional violations of the CSA to revoke a registration. The Agency has repeatedly held that "just because misconduct is unintentional, innocent, or devoid of improper motive, [it] does not preclude revocation or denial. Careless or negligent handling of controlled substances creates the opportunity for diversion and [can] justify the revocation of an existing registration . . ." *Paul J. Caragine, Jr.*, 63 FR 51592, 51601 (1998).

<sup>28</sup> Many of the arguments in Respondent's Exceptions were previously raised in Post Hearing Briefs or at the hearing, and were adequately addressed in the RD. To the extent that

Pharmacy for two years related to misconduct when she was an employee at the Apothecary Shoppe from 2000 to 2002. Tr. 93–94. The ALJ found that this testimony enhanced Dr. Graham's credibility and reliability because she exhibited candor and took responsibility for her misconduct. RD, at 7 n.9. Respondent takes Exception to this finding, as well as to the ALJ's finding that Dr. Graham was a "reliable and persuasive witness." Exceptions, at 1–3. Respondent asserts that Dr. Graham's explanations of her misconduct were "vague," that she "mischaracterized her transgressions," and that she "minimized the severity of her wrongdoing." *Id.* Respondent further argues that the ALJ's findings regarding this testimony reflect a lack of impartiality, because the ALJ did not similarly find that Ms. Neumann's credibility was enhanced by her testimony about her disciplinary history. *Id.* at 7.

The Agency rejects Respondent's characterizations of the record and adopts the ALJ's credibility findings with respect to Dr. Graham and Ms. Neumann. Although the Agency agrees that Dr. Graham's initial statements about her misconduct were vague, this is not surprising because the misconduct occurred over 20 years ago, and the hearing was about Respondent's misconduct, not Dr. Graham's. Dr. Graham's decision to disclose her distant disciplinary history when testifying about her professional history reflects candor. Respondent's counsel cross examined Dr. Graham about the specifics of the disciplinary charges, and she readily answered his questions, while acknowledging that she did not recall all of the specifics. Tr. 151–52. The Agency does not find that Dr. Graham mischaracterized her disciplinary history, because Dr. Graham's statements about her misconduct were not meant to be an exhaustive summary of the charges, and there is insufficient evidence on the record about the charges to assess the accuracy of Dr. Graham's characterizations.

Moreover, the record does not support Respondent's contention that Dr. Graham attempted to minimize the severity of her misconduct. On the contrary, Dr. Graham acknowledged that her behavior was wrong, Tr. 153, that her conduct was intentional and knowing, Tr. 158, and that she failed to exercise her corresponding

Respondent's Exceptions have already been adequately addressed in the RD, or throughout this Decision, they are not discussed again in this section.

responsibility. *Id.* She testified that the owner asked her to do things that "were in the dark shades of [a] gray [areal]" that she knew were wrong, but she felt that she could not stand up against the owner for fear of being fired. RD, at 7 n.9; Tr. 93–94, 153. She testified that this was "easily . . . the worst time in [her] life," but "she learned so much [from] it," and it helped her gain confidence as a pharmacist and human being. Tr. 95. Dr. Graham left her job at the Apothecary Shoppe in 2002 and started her own pharmacy so she could "do what [she] felt was the right thing to do." RD, at 7 n.9; Tr. 94. Thus, the Agency rejects Respondent's arguments, finds that this testimony did not detract from Dr. Graham's credibility, and adopts the ALJ's finding that Dr. Graham's testimony was fully credible and reliable. RD, at 7.

Finally, the Agency rejects Respondent's argument that the ALJ exhibited a lack of impartiality when assessing Dr. Graham's and Ms. Neumann's testimony. As the ALJ observed, Ms. Neumann's credibility was diminished by her inconsistent statements about whether documentation is required by the standard of care. RD, at 13–14. Additionally, much of Ms. Neumann's testimony consisted of providing undocumented, *post hoc* explanations for her conduct, which are entitled to little weight. Moreover, the record reflects that Ms. Neumann's testimony about her disciplinary history was not as forthcoming as Dr. Graham's, and therefore detracted from her credibility. Ms. Neumann testified on direct examination that she had not had any disciplinary issues with the licensing board since 1997, but when prompted by Government counsel on cross examination, she acknowledged that Respondent was sanctioned in 2023 for missing narcotics. RD, at 10 n.12; Tr. 403, 461–63. In contrast, Dr. Graham has had a clean record for 20 years, and she affirmatively disclosed her past transgressions on direct examination. Tr. 93–94

#### Exceptions 3, 15

Respondent argues that Dr. Graham's opinions were conclusory and "without any factual support whatsoever to assert that certain prescriptions were not issued for a legitimate medical purpose." ALJX 27, at 7; RD, at 7 n.10; Exceptions, at 3–5 ("Dr. Graham gave no factual support for her entirely conclusory answers to these questions."). Respondent further asserts that "the Government failed to offer any evidence that [Ms. Neumann] knew or should have known that any of the

prescriptions at issue were not written for a legitimate medical purpose.” Exceptions, at 24.

Importantly, the Government need not prove that the prescriptions were not issued for a legitimate medical purpose, but rather that Respondent failed to exercise its corresponding responsibility to ensure that the prescriptions were issued for a legitimate medical purpose. *Suntree Pharmacy and Suntree Medical Equipment, LLC v. Drug Enft Admin*, 2022 WL 444,357, \*6 (11th Cir. Feb. 14, 2022) (“[T]he Administration ‘has long interpreted [21 CFR 1306.04(a)] as prohibiting a pharmacist from filling a prescription for a controlled substance when he either ‘knows or has reason to know that the prescription was not written for a legitimate medical purpose.’” *JM Pharmacy Grp., Inc., d/b/a Farmacia Nueva & Best Pharma Corp.*, 80 FR 28667, 28670 (May 19, 2015) (citation omitted and emphasis added); see also [*United States v.*] *Hayes*, 595 F.2d at 261 n.6 (“[A] pharmacist can know that prescriptions are issued for no legitimate medical purpose without his needing to know anything about medical science.”)); RD, at 33–34. Dr. Graham testified that an essential element of the corresponding responsibility is that a pharmacist must identify any red flags present with a prescription, resolve those red flags, and document their resolution prior to dispensing. RD, at 15–16; Tr. 110–13. Dr. Graham testified about the specific red flags that she identified for each patient, and she testified that there was no documentation in Respondent’s files reflecting any attempt to address or resolve those red flags. RD, at 7 n.10; Tr. 96–122. Dr. Graham thus concluded that Respondent violated its corresponding responsibility and acted beneath the standard of pharmacy practice in Louisiana when it dispensed controlled substances to each patient. RD, at 7 n.10.; Tr. 132, 140, 146.<sup>29</sup> The Agency finds that Dr. Graham provided sufficient factual support for these conclusions.

Respondent also asserts that Dr. Graham “did not address the detailed reasoning provided by [Ms.] Neumann regarding how she resolved the red flags for the subject prescriptions, nor did she address the data contained in the patient profiles that supported [Ms.]

<sup>29</sup> See also *Holiday CVS, L.L.C.*, 77 FR 62341 (finding that the Government can prove that a registrant violated its corresponding responsibility by showing that: (1) the registrant dispensed a controlled substance, (2) a red flag was or should have been recognized at or before the time the controlled substance was dispensed, and (3) the question created by the red flag was not resolved conclusively prior to the dispensing of the controlled substance).

Neumann’s decision to resolve the red flags and dispense the prescriptions as written.” Exceptions, at 5–6. Dr. Graham did, in fact, address the data contained within the patient profiles. She testified that she reviewed the patient profiles and prescriptions for each patient and identified red flags for each patient for which no resolution was documented. Tr. 122. Respondent’s contention that Dr. Graham should have addressed all of Ms. Neumann’s undocumented, *post hoc* justifications reflects a misunderstanding of DEA’s prior Agency decisions, which highlight the importance of documentation. As discussed throughout this decision, the Agency has long found that it will not credit a Respondent’s undocumented, *post hoc* justifications for its prescribing or dispensing. *Pharmacy Doctors Enterprises Inc., d.b.a. Zion Clinic Pharmacy*, 789 F. App’x at 731 (A respondent pharmacy “fail[s] to comply with its corresponding responsibility not to fill prescriptions written for illegitimate purposes” when it fails to “tak[e] and document[] steps to resolve . . . red flags or refusing to fill prescriptions with unresolvable red flags.”). This principle is critical to the Agency’s ability to enforce against violations of the CSA, because enforcement would be impractical if the viability of the Government’s case hinged on the plausibility of a Respondent’s undocumented, *post hoc* justifications. Respondent’s failure to document any resolution of the red flags in this case rendered its dispensing beneath the standard of care and outside the usual course of professional practice.

#### Exceptions 7–8

Respondent asserts that the ALJ erred in inferring that Respondent failed to resolve red flags from Respondent’s failure to document their resolution, because Ms. Neumann testified that she did take steps to address and resolve each red flag. Exceptions, at 7–11. Respondent cites to *Superior Pharmacy*, 81 FR 31310, at 31335 n.55, as support for the assertion that “a lack of documentation is not, on its own, sufficient evidence to prove that a red flag was not resolved.” Exceptions, at 8.

However, *Superior Pharmacy* does not support this assertion. In *Superior Pharmacy*, the Agency found that the Government had not met its burden of demonstrating that Respondent had failed to document the resolution of red flags because the Government had only offered prescriptions (and not patient profiles) into evidence, and the Government’s investigators had not asked respondent’s pharmacists if there

were other places, aside from the prescriptions, where they might have documented the resolution of the red flags. *Superior Pharmacy*, 81 FR 31335 n.55. *Superior Pharmacy* makes clear that in a case where the Government has provided sufficient evidence to establish that the red flags were not documented anywhere, “it would be reasonable to draw an adverse inference that a pharmacist failed to resolve a red flag (or flags) from the failure to document the resolution . . . .”<sup>30</sup> *Id.* at 31,335 (emphasis added); see also *Hills Pharmacy, LLC*, 81 FR 49816, 49836 (2016) (citing *Superior Pharmacy*, and finding that “the absence of documentation on the prescriptions [was] not conclusive proof” of a failure to document the resolution of the red flags because the respondent’s PIC testified that his practice was to document red flags on a due diligence checklist, which was not admitted into evidence). Here, the Government admitted prescriptions and patient profiles into evidence, and Respondent has not asserted that there was any other location where Respondent documented the resolution of red flags.

Respondent also cites to several prior Agency decisions, including the Agency’s recent decision in *Coconut Grove*, that purportedly show that the Government may not meet its burden of proof simply by demonstrating that a pharmacy failed to document the resolution of red flags. Exceptions, at 9–11 (“The only evidence the Government has offered in this matter is the absence of documentation. That alone is not enough to satisfy the Government’s burden of proof.”). Respondent argues that these cases all involved “additional evidence which pointed to wrongdoing,” beyond a failure to document, which Respondent argues is further support that the Government did not meet its burden of proof. *Id.* at 9.

<sup>30</sup> Respondent argues that it “excepts to any negative inference drawn from any evidence which it did not introduce,” because “the Government has failed to meet its burden that the prescriptions were not written for a legitimate medical purpose.” Exceptions, at 18–19. Respondent asserts that it is “under no obligation to introduce evidence to strengthen its case” because of the Government’s failure to meet its burden. *Id.* However, Respondent does not cite to any particular findings in the RD that it objects to, and instead refers generally back to Exception 7. *Id.* This Exception lacks the level of specificity required under 21 CFR 1316.66, which provides that exceptions should be supported by “specific and complete citations of the pages of the transcript and exhibits.” Moreover, the Agency found that the Government did meet its prima facie burden of demonstrating that Respondent’s registration was inconsistent with the public interest, which shifted the burden to Respondent to demonstrate that it could be entrusted with a registration. Respondent did not make that showing.

The Agency rejects these arguments. First, as discussed throughout this Decision, the Agency may infer from Respondent's failure to document that Respondent failed to address and resolve red flags, and the Agency has repeatedly held that it will not credit a registrant's undocumented, *post hoc* justifications. Second, the Agency regularly revokes registrations based on documentation failures. For example, in *Coconut Grove*, the Agency revoked a pharmacy's registration based on the pharmacy's failure to document resolutions of red flags in ways and for reasons that are very similar to this case. The pharmacy's expert in *Coconut Grove* argued that the pharmacy's PIC had resolved the relevant red flags "over time in continuing conversations with the patients and the doctors," but the Agency rejected these arguments, because the pharmacy's only notation on the prescription was "verified," which was not sufficient to resolve the red flag. 89 FR 50374. Based on the pharmacy's failure to document the resolution of the red flags, the Agency found that the pharmacy had failed to address and resolve those red flags. *Id.* The Agency further concluded that the pharmacy's dispensing was outside the usual course of professional practice and beneath the standard of care. *Id.* The Agency drew similar conclusions in *Heavenly Care Pharmacy*, 85 FR 53402 (2020), also cited by Respondent. Respondent is correct in observing that the prescriptions in *Heavenly Care* raised more red flags than the prescriptions in this case, and that there was an additional ground for revocation in that case. However, the Government need not identify multiple grounds for revocation, and the Agency has never tallied a registrant's legal violations and required the Government to meet a certain numerical threshold.

Here, the Government proved that Respondent filled numerous prescriptions without adequately addressing and resolving several red flags, which rendered Respondent's dispensing beneath the standard of care, outside the usual course of professional practice, and in violation of Federal and State law. The Government also proved that Respondent filled unlawful prescriptions that were written for Ms. Neumann by Ms. Neumann's father. These violations are sufficient to revoke a registration.

In sum, Respondent has not offered any credible evidence on the record that rebuts the Government's case for revocation of its registration and Respondent has not demonstrated that it can be entrusted with the responsibility of registration. Accordingly, the Agency

will order that Respondent's registration be revoked.

#### Order

Pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 824(a), I hereby revoke DEA Certificate of Registration No. FN4373293 issued to Neumann's Pharmacy, LLC. Further, pursuant to 28 CFR 0.100(b) and the authority vested in me by 21 U.S.C. 823(g)(1), I hereby deny any pending applications of Neumann's Pharmacy, LLC, to renew or modify this registration, as well as any other pending application of Neumann's Pharmacy, LLC, for additional registration in Louisiana. This Order is effective February 24, 2025.

#### Signing Authority

This document of the Drug Enforcement Administration was signed on January 16, 2025, by Administrator Anne Milgram. That document with the original signature and date is maintained by DEA. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DEA Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of DEA. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

#### Heather Achbach,

Federal Register Liaison Officer, Drug Enforcement Administration.

[FR Doc. 2025-01536 Filed 1-22-25; 8:45 am]

**BILLING CODE 4410-09-P**

## DEPARTMENT OF JUSTICE

### Notice of Lodging of Proposed First Amended Consent Decree Under the Clean Water Act

On January 16, 2025, the Department of Justice lodged a proposed First Material Modification to the 2006 Consent Decree with the United States District Court for the District of Connecticut in the lawsuit entitled *United States et al. v. Metropolitan District of Hartford, Connecticut*, Civil Action No. 3:06-cv-00728.

In this action, the United States and the State of Connecticut sought civil penalties and injunctive relief for violations of the Clean Water Act, 33 U.S.C. 1251 *et seq.*, in connection with the Metropolitan District of Hartford, Connecticut's ("MDC's") operation of its municipal wastewater treatment facility and sewer system. These claims were

resolved in a Consent Decree, which was approved by the Court in August 2006. Under the Consent Decree, the MDC is required to, among other things, eliminate all sanitary sewer overflow ("SSO") outfalls by a date certain and submit and implement control projects and schedules to reduce inflow and infiltration ("I/I"), which can dilute sanitary sewers and in turn, decrease treatment efficiency. Since 2006, the MDC has eliminated all but three of its SSO outfalls and has proposed several I/I reduction projects and schedules. The proposed modification extends the deadline for eliminating the remaining SSO outfalls by about 4 years and incorporates a schedule for implementing I/I reduction projects.

The publication of this notice opens a period for public comment on the proposed First Material Modification to the 2006 Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States et al. v. Metropolitan District of Hartford, Connecticut*, D.J. Ref. No. 90-5-1-1-08404. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By e-mail .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, D.C. 20044-7611.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

#### Eric D. Albert,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2025-01559 Filed 1-22-25; 8:45 am]

**BILLING CODE 4410-15-P**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA")**

On January 16, 2025, the Department of Justice lodged a proposed Consent Decree with the United States District Court for the District of Massachusetts in the lawsuit entitled *United States v. Aerosols Danville, Inc., et al.*, Civil Action No. 25–10115 (D. Mass.).

The proposed Consent Decree would resolve the affirmative claims of the United States, on behalf of the United States Department of the Interior ("DOI"), in *United States v. Aerosols Danville, Inc., et al.*, Civil Action No. 25–10115 (D. Mass.) against Aerosols Danville, Inc., f/k/a KIK Custom Products, Inc.; Avnet, Inc.; Bank of America, N.A., Trustee u/w of Lloyd G. Balfour; BASF Catalysts LLC; Chevron Environmental Management Company, for itself and as Attorney-in-Fact for Kewanee Industries, Inc.; City of Attleboro, Massachusetts; ConocoPhillips Company; Handy & Harman; International Paper Company; Swank Holdings, Inc.; Teknor Apex Company; Texas Instruments Incorporated; Waste Management of Massachusetts, Inc.; and Town of Norton, Massachusetts (collectively referred to as "Defendants" herein). In that lawsuit, the United States, under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. 9607(a), seeks damages for injuries to natural resources and recovery of assessment costs incurred by DOI in connection with the Shpack Landfill Site located in the City of Attleboro, Massachusetts and the Town of Norton, Massachusetts. The proposed Consent Decree would also resolve the related claims of the Commonwealth of Massachusetts against Defendants and the United States, on behalf of the United States Department of Energy, in the lawsuit entitled *Massachusetts v. Aerosols Danville, Inc., et al.*, Civil Action No. 25–10118 (D. Mass.).

Under the proposed Consent Decree, Defendants and the United States, on behalf of the Department of Energy, will pay a combined \$2,100,000, which will go towards natural resource restoration efforts and assessment costs incurred by DOI and the Commonwealth. In exchange, Defendants and the United States, on behalf of the Department of Energy, will receive covenants not to

sue under sections 107 of CERCLA, 42 U.S.C. 9607, and contribution protection under section 113 of CERCLA, 42 U.S.C. 9613. In addition, Defendants will receive a covenant from the Commonwealth not to sue under the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, Mass. Gen Laws ch. 21E, sections 1–22, or any other statutory law, or any common law.

The publication of this notice opens a period for public comment on the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, Environmental Enforcement Section, and should refer to *United States v. Aerosols Danville, Inc., et al.*, Civil Action No. 25–10115 (D. Mass.), D.J. Ref. Nos. 90–11–2–08360/4 and 90–11–6–21155. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	Send them to:
By email .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Eric D. Albert,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025–01543 Filed 1–22–25; 8:45 am]

**BILLING CODE 4410–15–P**

## DEPARTMENT OF JUSTICE

**Notice of Lodging of Proposed Consent Decree Under the Safe Drinking Water Act**

On January 16, 2025, the Department of Justice lodged a proposed consent

decree with the United States District Court for the Central District of California in the lawsuit entitled *United States v. Sophia Lawson Clark, in her capacity as Administrator of the Estate of Scott Lawson, and Lopez to Lawson, Inc.*, Civil Action No. 5:23–cv–1650.

This case involves violations of the Safe Drinking Water Act ("SDWA") at the Oasis Mobile Home Park (the "Park") located in Thermal, California. The Park has a public water system that relies on groundwater with high levels of naturally occurring arsenic, a carcinogen that is harmful to human health. In August 2023, the United States filed a complaint against the Defendants alleging violations of the Underground Injection Control regulations with respect to the Defendants' wastewater system as provided in section 1421 of the SDWA, 42 U.S.C. 300h, and its implementing regulations at 40 CFR part 144; violations of the United States Environmental Protection Agency's ("EPA") emergency administrative order under section 1431 of the SDWA, 42 U.S.C. 300i(b), to address deficiencies with the Defendants' public drinking water system; and that the Defendants' public drinking water and wastewater systems presented an imminent and substantial endangerment to the health of its users as provided under section 1431(a) of the SDWA, 42 U.S.C. 300i(a).

Under the Consent Decree, the Defendants shall pay the United States a \$50,000 civil penalty. The Consent Decree also requires the Defendants to undertake injunctive relief to achieve consistent SDWA compliance. Once the Defendants have fully addressed the compliance for the drinking water system, they will then begin work on the wastewater system and identify corrective actions that they will then take steps to address through an EPA-approved compliance schedule.

The publication of this notice opens a period for public comment on the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United v. Sophia Lawson Clark, in her capacity as Administrator of the Estate of Scott Lawson, and Lopez to Lawson, Inc.*, D.J. Ref. No. 90–5–1–1–12437, Case Action No. 23–cv–01650. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Scott Bauer,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025–01555 Filed 1–22–25; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed Consent Decree Under the Clean Air Act**

On January 16, 2025, the Department of Justice lodged a proposed consent decree with the United States District Court for the Eastern District of Pennsylvania in the lawsuit entitled *United States v. Turn 14 Distribution, Inc.*, Civil Action No. 2:25–cv–00281–JP.

The United States filed a complaint against Turn 14 Distribution, Inc. (“Turn 14”) alleging violations of the Clean Air Act related to Turn 14’s offer for sale and sale of devices that defeat emission controls in automobiles. The proposed consent decree resolves the claims alleged in the complaint. The proposed consent decree requires Turn 14 to pay a penalty of \$3,600,000 based on its ability to pay and to perform injunctive relief.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Turn 14 Distribution, Inc.* D.J. Ref. No. 90–5–2–1–12601. All comments must be submitted no later than thirty (30) days after the publication date of this notice.

Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed consent decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Jason A. Dunn,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025–01577 Filed 1–22–25; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF JUSTICE**

**Notice of Lodging of Proposed First Modification to Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act**

On January 15, 2025, the Department of Justice lodged a proposed first modification to a previously approved consent decree with the United States District Court for the Northern District of California in the consolidated lawsuits entitled *United States v. Bradley Mining Company, et al.*, Civil Action No. 3:08–cv–03968, and *United States of America v. Bradley Mining Company*, Civil Action No. 3:08–cv–05501.

The United States, the Bradley Mining Company (“Bradley Mining”), Frederick Bradley, in his representative capacity as Trustee of the Worthen Bradley Family Trust (“Bradley Trust”) (together, “Defendants”), and the Elem Indian Colony of Pomo Indians of the Sulphur Bank Rancheria, California (“Elem Tribe”) are parties to a consent decree entered by the court on April 19, 2012, which resolved claims and counterclaims under the Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). The consent decree

created a redevelopment trust for the benefit of the United States and the Elem Tribe, to which the Defendants conveyed certain land in and around the Sulphur Bank Mercury Mine Superfund Site in Lake County, California, to be managed and maintained for the beneficiaries until the parcels are transferred or sold and the trust is terminated.

The proposed modification to the consent decree changes the trust funding and trustee compensation structure to ensure the trust can continue to manage and maintain the land as required by the consent decree. It also requires the trustee to transfer certain parcels to the United States to be held in trust for the benefit of the Elem Tribe.

The publication of this notice opens a period for public comment on the modification to the consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States v. Bradley Mining Company, et al.*, D.J. Ref. No. 90–11–3–07593. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

<i>To submit comments:</i>	<i>Send them to:</i>
By email .....	<i>pubcomment-ees.enrd@usdoj.gov.</i>
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

During the public comment period, the modification to the consent decree may be examined and downloaded at this Justice Department website: <https://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the modification, you may request assistance by email or by mail to the addresses provided above for submitting comments.

**Scott Bauer,**

*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2025–01542 Filed 1–22–25; 8:45 am]

**BILLING CODE 4410–15–P**

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Blasting Operations and the Use of Explosives**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before February 24, 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](http://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:** Nicole Bouchet by telephone at 202–693–0213, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Section 29 CFR part 1926, subpart U and its collections of information provide protection to employees who work with and around blasting operations. In addition, inventories of explosives must be maintained to assure employer and blaster accountability for explosives. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 25, 2024 (89 FR 85242).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates 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.

This information collection is subject to the PRA. A Federal agency generally

cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–OSHA.

*Title of Collection:* Blasting Operations and the Use of Explosives.

*OMB Control Number:* 1218–0217.

*Affected Public:* Private Sector—Businesses or other for-profits.

*Total Estimated Number of Respondents:* 171.

*Total Estimated Number of Responses:* 758.

*Total Estimated Annual Time Burden:* 1,426 hours.

*Total Estimated Annual Other Costs Burden:* \$0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Nicole Bouchet,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2025–01576 Filed 1–22–25; 8:45 am]

**BILLING CODE 4510–26–P**

**DEPARTMENT OF LABOR****Agency Information Collection Activities; Submission for OMB Review; Comment Request; Refuge Alternatives for Underground Coal Mines**

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before February 24, 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](http://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:** Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Each underground coal mine has an emergency response plan and refuge alternative(s) that protect miners when escape from a mine during a mine emergency is not possible by providing secure spaces with isolated atmospheres that create life-sustaining environments. This ICR covers the refuge alternatives portion of emergency response plans and records for examination, maintenance and repair of refuge alternatives and components. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on October 4, 2024 (89 FR 80938).

*Comments are invited on:* (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency’s estimates 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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

*Agency:* DOL–MSHA.

*Title of Collection:* Refuge Alternatives for Underground Coal Mines.

*OMB Control Number:* 1219–0146.

*Affected Public:* Businesses or other for-profits.

*Number of Respondents:* 21.

*Frequency:* On occasion.

*Number of Responses:* 27.

*Annual Burden Hours:* 73 hours.

*Total Estimated Annual Other Costs Burden:* \$17.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2025-01524 Filed 1-22-25; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Agency Information Collection Activities; Submission for OMB Review; Comment Request; Independent Contractor Registration and Identification

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Mine Safety and Health Administration (MSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before February 24, 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](http://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:** Michael Howell by telephone at 202-693-6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** Title 30 CFR part 45, Independent Contractors, sets forth information requirements and procedures for independent contractors to obtain a Mine Safety and Health Administration (MSHA) identification number and procedures for service of documents upon independent contractors. The information collections associated with this information collection support the appropriate assessment of fines for violations by independent contractors and the deterrent effect of MSHA enforcement actions on independent contractors. For additional substantive information about this ICR, see the related notice

published in the **Federal Register** on October 4, 2024 (89 FR 80949).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates 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.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

*Agency:* DOL-MSHA.

*Title of Collection:* Independent Contractor Registration and Identification.

*OMB Control Number:* 1219-0040.

*Affected Public:* Businesses or other for-profits.

*Number of Respondents:* 22,792.

*Frequency:* On occasion.

*Number of Responses:* 167,801.

*Annual Burden Hours:* 18,220 hours.

*Total Estimated Annual Other Costs Burden:* \$989.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2025-01522 Filed 1-22-25; 8:45 am]

**BILLING CODE 4510-43-P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA-2006-0042]

### CSA Group Testing & Certification Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand

the scope of recognition for CSA Group & Testing Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on January 23, 2025.

**FOR FURTHER INFORMATION CONTACT:**

Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693-1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:*

Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693-2300 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

**SUPPLEMENTARY INFORMATION:**

**I. Notice of Final Decision**

OSHA hereby gives notice of the expansion of the scope of recognition for CSA Group Testing & Certification Inc. (CSA), as a NRTL. CSA's expansion covers the addition of one test standard to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the

NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

CSA submitted an application to OSHA for expansion of the NRTL scope of recognition on May 30, 2024 (OSHA–2006–0042–0045), requesting the addition of one standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review in response to this application. OSHA staff has preliminarily determined that OSHA

should grant the application for test standard expansion.

OSHA published a **Federal Register** notice announcing CSA's application, preliminarily determining that OSHA should grant the application and soliciting public comment on December 31, 2024 (89 FR 107167). The agency requested comments by January 15, 2025, however no comments were received in response to this notice. OSHA is now proceeding with this expansion of CSA's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the CSA expansion application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office at (202) 693–2350 (TTY (877) 889–5627. Docket No. OSHA–

2006–0042 contains all materials in the record containing CSA's recognition.

## II. Final Decision and Order

OSHA staff examined CSA's expansion application and examined other pertinent information. Based on review of this evidence, OSHA finds that CSA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant expansion of CSA's scope of recognition. OSHA limits the expansion of CSA's recognition to testing and certification of products for demonstration of compliance to the test standard listed below in Table 1.

TABLE 1—APPROPRIATE TEST STANDARD FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60335–2–40 .....	Household and Similar Electrical Appliances—Safety—Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.

### A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, CSA also must abide by the following conditions of the recognition:

1. CSA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. CSA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. CSA must continue to meet the requirements for recognition, including all previously published conditions on CSA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of CSA as a NRTL, subject to the limitations and conditions specified above.

### III. Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on January 16, 2025.

**Douglas L. Parker,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2025–01568 Filed 1–22–25; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2007–0042]

#### TUV Rheinland of North America, Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for TUV Rheinland of North America, Inc., as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on January 23, 2025.

**FOR FURTHER INFORMATION CONTACT:** Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2300 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

### SUPPLEMENTARY INFORMATION:

#### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of TUV Rheinland of North America, Inc. (TUVRNA) as a NRTL. TUVRNA's expansion covers the addition of one test site to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes (1) the type of products the NRTL may test, with each type specified by the applicable test standard and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by

the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition, as well as for an expansion or renewal of recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides the preliminary finding. In the second notice, the agency provides the final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including TUVRNA, which details that NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

TUVRNA submitted an application, dated November 16, 2020 (OSHA–2007–0042–0081), to expand recognition as a NRTL to include one additional testing site located at: TUV Rheinland Taiwan Ltd. Taoyuan Testing Laboratories, 4F–1. No. 38, Huaya 1st Road Guishan District, Taoyuan City 333, Taiwan, R.O.C. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA performed an on-site review of TUVRNA's Taoyuan facility on May 1–6, 2024, in which assessors found some nonconformances with the requirements of 29 CFR 1910.7. TUVRNA has addressed these issues sufficiently, and OSHA staff preliminarily determined that OSHA should grant the application.

OSHA published the preliminary notice announcing TUVRNA's expansion application in the **Federal Register** on December 30, 2024 (89 FR 106603). The agency requested comments by January 14, 2025, however no comments were received in response to this notice. OSHA is now proceeding with this notice to grant expansion of TUVRNA's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the TUVRNA expansion application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office at (202) 693–2350 (TTY (877) 889–5627. Docket No. OSHA–2007–0042 contains all materials in the record containing TUVRNA's recognition.

## II. Final Decision and Order

OSHA staff examined TUVRNA's expansion application, conducted a detailed on-site assessment, and examined other pertinent information. Based on review of this evidence, OSHA

finds that TUVRNA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant TUVRNA's scope of recognition. OSHA limits the expansion of TUVRNA's recognition to include the site at Taoyuan, Taiwan listed above. OSHA's recognition of the site limits TUVRNA to performing product testing and certifications only to the test standards for which the site has the proper capability and programs, and for test standards in TUVRNA's scope of recognition. This limitation is consistent with the recognition that OSHA grants to other NRTLs that operate multiple sites.

### A. Conditions

In addition to those conditions already required by 29 CFR 1910.7, TUVRNA also must abide by the following conditions of the recognition:

1. TUVRNA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. TUVRNA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. TUVRNA must continue to meet the requirements for recognition, including all previously published conditions on TUVRNA's scope of recognition, in all areas for which it has recognition.

OSHA hereby expands the NRTL scope of recognition for TUVRNA to include one additional test site.

## III. Authority and Signature

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, 200 Constitution Avenue NW, Washington, DC 20210, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393; Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.

**Douglas L. Parker,**

*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2025–01567 Filed 1–22–25; 8:45 am]

**BILLING CODE 4510–26–P**

## DEPARTMENT OF LABOR

### Occupational Safety and Health Administration

[Docket No. OSHA–2019–0009]

#### DEKRA Certification Inc.: Grant of Expansion of Recognition

**AGENCY:** Occupational Safety and Health Administration (OSHA), Labor.

**ACTION:** Notice.

**SUMMARY:** In this notice, OSHA announces the final decision to expand the scope of recognition for DEKRA Certification Inc., as a Nationally Recognized Testing Laboratory (NRTL).

**DATES:** The expansion of the scope of recognition becomes effective on January 23, 2025.

#### FOR FURTHER INFORMATION CONTACT:

Information regarding this notice is available from the following sources:

*Press inquiries:* Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor, telephone: (202) 693–1999; email: [meilinger.francis2@dol.gov](mailto:meilinger.francis2@dol.gov).

*General and technical information:* Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, phone: (202) 693–2300 or email: [robinson.kevin@dol.gov](mailto:robinson.kevin@dol.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Notice of Final Decision

OSHA hereby gives notice of the expansion of the scope of recognition of DEKRA Certification Inc. (DEKRA), as a NRTL. DEKRA's expansion covers the addition of six test standards to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including DEKRA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at <http://www.osha.gov/dts/otpca/nrtl/index.html>.

DEKRA submitted an application to OSHA for expansion of the NRTL scope

of recognition on January 5, 2023 (OSHA-2019-0009-0013), requesting the addition of six recognized testing standards. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review associated with this application. OSHA staff has preliminarily determined that OSHA should grant the application.

OSHA published a **Federal Register** notice announcing DEKRA's application and soliciting public comment on December 30, 2024 (89 FR 106601). The agency requested comments by January 14, 2025, however no comments were received in response to this notice. OSHA is now proceeding with the expansion of DEKRA's NRTL scope of recognition.

To obtain or review copies of all public documents pertaining to the

DEKRA expansion application, go to [www.regulations.gov](http://www.regulations.gov) or contact the Docket Office at (202) 693-2350 (TTY (877) 889-5627. Docket No. OSHA-2019-0009 contains all materials in the record containing DEKRA's recognition.

**II. Final Decision and Order**

OSHA staff examined DEKRA's expansion application and examined other pertinent information. Based on review of this evidence, OSHA finds that DEKRA meets the requirements of 29 CFR 1910.7 for expansion of recognition, subject to the specified limitations and conditions. OSHA, therefore, is proceeding with this final notice to grant expansion of DEKRA's scope of recognition. OSHA limits the expansion of DEKRA's recognition to testing and certification of products for demonstration of compliance to the test standards listed below in Table 1.

TABLE 1—LIST OF APPROPRIATE TEST STANDARDS FOR INCLUSION IN DEKRA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
FM 3600 .....	Electrical Equipment for Use in Hazardous (Classified) Locations, General Requirements.
FM 3610 * .....	Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II and III, Division 1 Hazardous (Classified) Locations.
FM 3611 .....	Electrical Equipment for Use in Class I, Division 2; Class II, Division 2; and Class III, Division 1 and 2 Hazardous Locations.
FM 3615 * .....	Explosion-proof Electrical Equipment, General Requirements.
FM 3810 * .....	Electrical and Electronic Test, Measuring and Process Control Equipment.
UL 857 .....	Electric Busways and Associated Fittings.

\* OSHA notes that the title to this standard in the table is taken from OSHA's List of Appropriate Test Standards (see <https://www.osha.gov/nationally-recognized-testing-laboratory-program/list-standards>). This title is not the same as the title currently used by the Standards Developing Organization that issued the test standard. OSHA intends to update the List of Appropriate Test Standards to reflect the currently used title in the near future.

**A. Conditions**

In addition to those conditions already required by 29 CFR 1910.7, DEKRA also must abide by the following conditions of the recognition:

1. DEKRA must inform OSHA as soon as possible, in writing, of any change of ownership, facilities, or key personnel, and of any major change in its operations as a NRTL, and provide details of the change(s);
2. DEKRA must meet all the terms of its recognition and comply with all OSHA policies pertaining to this recognition; and
3. DEKRA must continue to meet the requirements for recognition, including all previously published conditions on DEKRA's scope of recognition, in all areas for which it has recognition.

Pursuant to the authority in 29 CFR 1910.7, OSHA hereby expands the scope of recognition of DEKRA as a NRTL, subject to the limitations and conditions specified above.

**III. Authority and Signature**

Douglas L. Parker, Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8-2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC.  
**Douglas L. Parker,**  
*Assistant Secretary of Labor for Occupational Safety and Health.*

[FR Doc. 2025-01571 Filed 1-22-25; 8:45 am]  
**BILLING CODE 4510-26-P**

**NATIONAL SCIENCE FOUNDATION**

**Agency Information Collection Activities: Comment Request; Grantee Reporting Requirements for Partnership for Research and Education in Materials (PREM)**

**AGENCY:** National Science Foundation.  
**ACTION:** Notice.

**SUMMARY:** The National Science Foundation (NSF) is announcing plans to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we provide an opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting Office of Management and Budget (OMB) clearance of this collection for no longer than 3 years.

**DATES:** Written comments on this notice must be received by March 24, 2025 to be assured consideration. Comments received after that date will be considered to an extent practicable. Send comments to address below.

**FOR FURTHER INFORMATION CONTACT:** Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Suite W18200, Alexandria, Virginia 22314; telephone (703) 292-7556; or send email to [splimpto@nsf.gov](mailto:splimpto@nsf.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal

Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including Federal holidays).

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Grantee Reporting Requirements for Partnerships for Research and Education in Materials (PREM).

*OMB Number:* 3145–0232.

*Expiration Date of Approval:* June 30, 2025.

*Type of Request:* Intent to seek approval to renew information collection.

*Overview of this Information Collection:* The Partnerships for Research and Education in Materials (PREM) aims to enhance broadening participation of underserved groups in materials research and education by stimulating the development of formal, long-term, collaborative research and education relationships between minority-serving colleges and universities and centers, institutes and facilities supported by the NSF Division of Materials Research (DMR). With this collaborative model PREMs build intellectual and physical infrastructure within and between disciplines, weaving together knowledge creation, knowledge integration, and knowledge transfer. PREMs conduct world-class research through partnerships of academic institutions, national laboratories, industrial organizations, and/or other public/private entities. New knowledge thus created is meaningfully linked to society, with an emphasis on enhancing broadening participation and workforce development.

PREMs enable and foster excellent education, integrate research and education, and create bonds between learning and inquiry so that discovery and creativity more fully support the learning process. PREMs capitalize on broadening participation of underserved communities through participation and collaboration in center activities and demonstrate leadership in the involvement of groups underrepresented in science and engineering.

PREMs will be required to submit annual reports on progress and plans, which will be used as a basis for performance review and determining the level of continued funding. To support this review and the management of the award PREMs will be required to develop a set of management and performance indicators for submission annually to NSF via the Research Performance Project Reporting module in

*Research.gov.* These indicators are both quantitative and descriptive and may include, for example, the characteristics of personnel and students; sources of financial support and in-kind support; expenditures by operational component; research activities; education activities; patents, licenses; publications; degrees granted to students involved in PREM activities; descriptions of significant advances and other outcomes of the PREM effort.

Each PREM's annual report will include the following categories of activities: (1) research, (2) education (3) outreach, (4) partnerships, (5) pathway for enhancing broadening participation, (6) management, and (7) budget reports.

For each of the categories the report will describe overall objectives for the year, achievements and accomplishments, and potential problems the PREM has encountered in making progress towards goals, anticipated problems in the following year, and specific outputs and outcomes.

PREMs are required to file a final report through the RPPR and external technical assistance contractor. Final reports contain similar information and metrics as annual reports but are retrospective.

*Use of the Information:* NSF will use the information to continue funding of PREMs, and to evaluate the progress of the program.

*Estimate of Burden:* 70 hours per PREM for 38 PREMs for a total of 2,660 hours.

*Respondents:* Non-profit institutions.

*Estimated Number of Responses per Report:* One from each of the fifteen PREMs.

*Comments:* Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Dated: January 17, 2025.

**Suzanne H. Plimpton,**

*Reports Clearance Officer, National Science Foundation.*

[FR Doc. 2025–01611 Filed 1–22–25; 8:45 am]

**BILLING CODE 7555–01–P**

**NUCLEAR REGULATORY COMMISSION**

[Docket No. 50–395; NRC–2023–0152]

**Dominion Energy South Carolina, Inc.; Virgil C. Summer Nuclear Station, Unit 1; Draft Supplemental Environmental Impact Statement**

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Reschedule of public meeting; reopening of comment period.

**SUMMARY:** On December 6, 2024, the U.S. Nuclear Regulatory Commission (NRC) solicited public comments on draft Supplement 15, Second Renewal, to the Generic Environmental Impact Statement (GEIS) for License Renewal of Nuclear Plants, NUREG–1437, regarding the subsequent renewal of Renewed Facility Operating License No. NPF–12 for an additional 20 years for Virgil C. Summer Nuclear Station, Unit 1 (V.C. Summer). The public comment period closed on January 21, 2025. The NRC has rescheduled the in-person public meeting to receive comments on the document and is therefore reopening the public comment period to allow more time for members of the public to submit their comments.

**DATES:** The NRC has rescheduled its in-person public meeting to January 28, 2025, at 6 p.m. eastern time (ET). The public meeting details can be found on the NRC's Public Meeting Schedule at <https://www.nrc.gov/pmns/mtg>. The comment period for the document published on December 6, 2024 (89 FR 97077) has been reopened. Members of the public are invited to submit comments by February 11, 2025. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before that date.

**ADDRESSES:** You may submit comments by any of the following methods; however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2023–0152. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email:

*Stacy.Schumann@nrc.gov*. For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email*: Comments may be submitted to the NRC electronically using the email address: *SummerEnvironmental@nrc.gov*.

- *Mail comments to*: Office of Administration, Mail Stop: TWFN-7-A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

**FOR FURTHER INFORMATION CONTACT:** Kim Conway, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-1335; email: *Kimberly.Conway@nrc.gov*.

#### **SUPPLEMENTARY INFORMATION:**

#### **I. Obtaining Information and Submitting Comments**

##### *A. Obtaining Information*

Please refer to Docket ID NRC-2023-0152 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action using any of the following methods:

- *Federal Rulemaking Website*: Go to <https://www.regulations.gov> and search for Docket ID NRC-2023-0152.

- *NRC’s Agencywide Documents Access and Management System (ADAMS)*: You may obtain publicly available documents online in the ADAMS Public Documents collection at <https://www.nrc.gov/reading-rm/adams.html>. To begin the search, select “Begin Web-based ADAMS Search.” For problems with ADAMS, please contact the NRC’s Public Document Room (PDR) reference staff at 1-800-397-4209, at 301-415-4737, or by email to *PDR.Resource@nrc.gov*. Draft Supplement 15, Second Renewal, to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, is available in ADAMS under Accession No. ML24330A271.

- *NRC’s PDR*: The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov*, or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. ET,

Monday through Friday, excluding Federal holidays.

- *Public Library*: A copy of draft Supplement 15, Second Renewal, to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, regarding the proposed subsequent renewal of Renewed Facility Operating License No. NPF-12 for an additional 20 years for V.C. Summer is available for public review at the Fairfield County Library, 300 West Washington St., Winnsboro, SC 29180.

##### *B. Submitting Comments*

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2023-0152 in your comment submission.

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

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

#### **II. Discussion**

On December 6, 2024, the NRC solicited public comments on draft Supplement 15, Second Renewal, to the GEIS for License Renewal of Nuclear Plants, NUREG-1437, regarding the subsequent renewal of Renewed Facility Operating License No. NPF-12 for an additional 20 years for V.C. Summer. Draft Supplement 15, Second Renewal, to the GEIS includes the NRC staff’s evaluation of the environmental impacts of the proposed action and alternatives to the proposed action.

Pursuant to section 51.73 of title 10 of the *Code of Federal Regulations*, the NRC established a comment period of 45 days from the date of its **Federal Register** notice issued on December 6, 2024 (89 FR 97077). The public comment period closed on January 21, 2025. However, the in-person public meeting originally scheduled for

January 9, 2025, was postponed due to the day’s designation as a National Day of Mourning throughout the United States. The in-person public meeting has been rescheduled to January 28, 2025. In order to accommodate the rescheduled meeting and to allow more time for members of the public to submit their comments, the NRC has decided to reopen the public comment period to February 11, 2025. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before that date.

Dated: January 17, 2025.

For the Nuclear Regulatory Commission.

#### **Theodore Smith,**

*Acting Deputy Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 2025-01609 Filed 1-22-25; 8:45 am]

**BILLING CODE 7590-01-P**

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## **POSTAL REGULATORY COMMISSION**

[Docket No. T2025-1; Order No. 8636]

### **Income Tax Review**

**AGENCY:** Postal Regulatory Commission.

**ACTION:** Notice.

**SUMMARY:** The Commission is recognizing a recent Postal Service filing concerning the calculation of the assumed Federal income tax on competitive products income for Fiscal Year 2024. 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. Notice of Commission Action
- III. Ordering Paragraphs

#### **I. Introduction**

In accordance with 39 U.S.C. 3634 and 39 CFR 3060.40 *et seq.*, the Postal

Service filed its calculation of the assumed Federal income tax on Competitive products income for Fiscal Year (FY) 2024.<sup>1</sup> The calculation details the FY 2024 Competitive product revenue and expenses, the Competitive products net income before tax, and the assumed Federal income tax on that net income.

## II. Notice of Commission Action

In accordance with 39 CFR 3060.42, the Commission establishes Docket No. T2025–1 to review the calculation of the assumed Federal income tax and supporting documentation.

The Commission invites comments on whether the Postal Service's filing in this docket is consistent with the policies of 39 U.S.C. 3634 and 39 CFR 3060.40 *et seq.* Comments are due no later than March 7, 2025. The Postal Service's filing can be accessed via the Commission's website (<https://www.prc.gov>).

The Commission appoints Jennaca D. Upperman to serve as Public Representative in this docket.

## III. Ordering Paragraphs

*It is ordered:*

1. The Commission establishes Docket No. T2025–1 to consider the calculation of the assumed Federal income tax on Competitive products for FY 2024.

2. Pursuant to 39 U.S.C. 505, Jennaca D. Upperman is appointed to serve as an officer of the Commission to represent the interests of the general public in this proceeding (Public Representative).

3. Comments are due no later than March 7, 2025.

4. The Secretary shall arrange for publication of this order in the **Federal Register**.

By the Commission.

**Jennie L. Jbara,**

*Primary Certifying Official.*

[FR Doc. 2025–01521 Filed 1–22–25; 8:45 am]

**BILLING CODE 7710–FW–P**

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## POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–475; MC2025–1143; K2025–1143; MC2025–1144; K2025–1144]

### 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:* January 27, 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.<sup>1</sup>

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):* Docket No(s): CP2024–475; *Filing Title:* USPS Request Concerning Amendment One to Parcel Select Contract 60, with Material Filed Under Seal; *Filing Acceptance Date:* January 16, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Jana Slovinska; *Comments Due:* January 27, 2025.

2. *Docket No(s):* MC2025–1143 and K2025–1143; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 55 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 16, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 27, 2025.

3. *Docket No(s):* MC2025–1144 and K2025–1144; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1317 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 16, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* January 27, 2025.

<sup>1</sup> See Notice of the United States Postal Service of Submission of the Calculation of the FY 2024 Assumed Federal Income Tax on Competitive Products, January 14, 2025.

<sup>1</sup> 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).

**III. Summary Proceeding(s)**

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Jennie L. Jbara,

*Primary Certifying Official.*

[FR Doc. 2025-01575 Filed 1-22-25; 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:* January 23, 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 January 16, 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 55 to Competitive Product List*.

Documents are available at [www.prc.gov](http://www.prc.gov), Docket Nos. MC2025-1143 and K2025-1143.

**Colleen Hibbert-Kapler,**

*Attorney, Ethics and Legal Compliance.*

[FR Doc. 2025-01628 Filed 1-22-25; 8:45 am]

BILLING CODE 7710-12-P

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-102242; File No. SR-NYSEARCA-2025-03]

**Self-Regulatory Organizations; NYSE Arca, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Modify the NYSE Arca Options Fee Schedule**

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 14, 2025, NYSE Arca, Inc. (“NYSE Arca” or the “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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 Arca Options Fee Schedule (“Fee Schedule”) to (1) increase the QCC volume required for Floor Brokers to earn an additional credit; (2) adopt a new rebate based on a Floor Broker’s combined QCC and manual billable volume; (3) increase the maximum combined Floor Broker QCC credits and rebates earned through the Manual Billable Rebate Program; and (4) permit Floor Brokers that restructure while in the Floor Broker Fixed Cost Prepayment Incentive Program (the “FB Prepay Program” or “Program”) to maintain their status in the Program. The Exchange proposes to implement the fee change effective January 14, 2025.<sup>5</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> On December 20, 2024, the Exchange filed to amend the Fee Schedule (NYSEARCA-2024-117) and withdrew and replaced such filing on January 2, 2025 (SR-NYSEARCA-2025-02), which latter filing the Exchange withdrew on January 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://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-NYSEARCA-2025-03](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEARCA-2025-03).

**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.<sup>6</sup> 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-NYSEARCA-2025-03](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEARCA-2025-03)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NYSEARCA-2025-03 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-NYSEARCA-2025-03. 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-NYSEARCA-2025-03](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEARCA-2025-03)). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-NYSEARCA-2025-03 and should be submitted on or before February 13, 2025.

<sup>6</sup> 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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01625 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102211; File No. SR-MRX-2025-01]

### Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, Nasdaq MRX, LLC (“MRX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup>

related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/mrx/rulefilings>, at the principal office of the Exchange, and on the Commission’s website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-MRX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-MRX-2025-01).

#### 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.<sup>6</sup> 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-MRX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-MRX-2025-01)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-MRX-2025-01 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-MRX-2025-01. 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-MRX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-MRX-2025-01)). Do not include personal identifiable information in submissions; you should submit only information

used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. Nasdaq MRX Rule General 7 (Consolidated Audit Trail Compliance).

<sup>6</sup> 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.

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-MRX-2025-01 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01553 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102217; File No. SR-LCH SA-2024-005]

### Self-Regulatory Organizations; LCH SA; Order Granting Approval of Proposed Rule Change by LCH SA Relating to Dealer Status

January 16, 2025.

#### I. Introduction

On November 21, 2024, Banque Centrale de Compensation, which conducts business under the name LCH SA (“LCH SA”), filed with the Securities and Exchange Commission (“Commission” or “SEC”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act” or “Exchange Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change (the “Proposed Rule Change”) to amend its CDS Clearing Rule Book (“Rule Book”) and CDS Clearing Procedures (“Procedures”) (collectively “CDS Clearing Rules”) to accept transactions entered into by affiliates of a Clearing Member (“CDS Dealers”) registered in the name of the Clearing Member, as well as various technical amendments. The Proposed Rule Change was published for comment in the **Federal Register** on December 6, 2024.<sup>3</sup> The Commission has not received any comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

#### II. Description of the Proposed Rule Change

LCH SA is a clearing agency registered with the Commission.

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Securities Exchange Act Release No. 101790 (Dec. 2, 2024), 89 FR 97142 (Dec. 6, 2024) (File No. SR-LCH SA-2024-005) (“Notice”).

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An “Industry Member” is defined as “a member of a national securities exchange or a member of a national securities association.” See Nasdaq Rule General 7(u) (MRX General 7 incorporates The Nasdaq Stock Market LLC Rule General 7 by reference); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms

Through its CDS Clear business unit, LCH SA provides central counterparty services for security-based swaps, including credit default swaps and options on credit default swaps. LCH SA is an affiliate of LCH Ltd, through common ownership by LCH Group.<sup>4</sup> LCH SA's ultimate parent company is London Stock Exchange Group ("LSEG").<sup>5</sup>

Currently, LCH SA's Clearing Members<sup>6</sup> may submit transactions to LCH SA for clearing for their own account (*i.e.*, House transactions). Clearing Members may submit House transactions using an Approved Trade Source System ("ATSS").<sup>7</sup> An ATSS is an entity, such as a trading venue, that allows Clearing Members to agree to transactions and submit those transactions for clearing at LCH SA.

Clearing Members currently submit these House transactions directly to LCH SA through an ATSS. Under the Proposed Rule Change, Affiliates of Clearing Members, under certain conditions, could submit transactions through an ATSS for clearing at LCH SA on behalf of their affiliated Clearing Members, as House transactions of those Clearing Members.

LCH SA thus proposes adding a new source of proprietary trades for Clearing Members, as submitted by their affiliates. The proposed updates comprise two categories. The first category would make changes to the Rule Book and Procedures to allow these Affiliates to submit House transactions on behalf of Clearing Members. LCH SA would do so by onboarding these Affiliates into a new category of participant known as CDS Dealer. The second category includes other miscellaneous changes.

#### A. Dealer Status

##### Proposed Changes to the Rule Book

In the Rule Book, the proposed changes first would amend an existing provision to allow LCH SA to onboard Affiliates of CDS Dealers. As explained

<sup>4</sup> LCH SA, Comprehensive Disclosure As required by SEC Rule 17Ad-22(e)(23), Section 3.2, available at [https://www.lch.com/system/files/media\\_root/LCH%20SA%20Comprehensive%20Disclosure%20Covered%20Clearing%20Agency%20standards%20-%20SEC%20-%202020\\_Final%20version.pdf#:~:text=LCH%20SA%20provides%2C%20on%20its%20website%2C%20a%20comprehensive,elements%20required%20by%20regulation%20EU%20N%20C2%20B0%20575%202F2013%20%28CRR%29.](https://www.lch.com/system/files/media_root/LCH%20SA%20Comprehensive%20Disclosure%20Covered%20Clearing%20Agency%20standards%20-%20SEC%20-%202020_Final%20version.pdf#:~:text=LCH%20SA%20provides%2C%20on%20its%20website%2C%20a%20comprehensive,elements%20required%20by%20regulation%20EU%20N%20C2%20B0%20575%202F2013%20%28CRR%29.)

<sup>5</sup> *Id.*

<sup>6</sup> Capitalized terms not otherwise defined herein have the meanings assigned to them in the LCH SA CDS Clearing Rule Book or CDS Clearing Procedures, as applicable.

<sup>7</sup> LCH SA CDS Clearing Rule Book, Article 3.1.2.2 and Article 3.1.4.1.

below, a Clearing Member that is a CCM<sup>8</sup> would be allowed to onboard an Affiliate as a CDS Dealer, subject to certain conditions. Current Article 5.1.1.1 provides that, pursuant to EMIR, an Affiliate of a CCM shall be treated as a CCM Client. The Proposed Rule Change would remove this sentence requiring an Affiliate of a CCM to be treated as a CCM Client from Article 5.1.1.1 and instead specify that a CCM Client may include an Affiliate of a CCM. This change would allow LCH SA to onboard an Affiliate of a CCM as a CDS Dealer, instead of as a CCM Client only.

The proposed changes also set out certain requirements for the relationship between a Clearing Member and its Affiliate registered as a CDS Dealer. Specifically, under new Article 2.5.1.1, a CDS Dealer may only submit transactions to LCH SA for a Clearing Member with which the CDS Dealer has entered into a CDS Dealer Clearing Agreement. The proposed changes also modify existing Article 2.3.1.1 to require that each Clearing Member notify LCH SA of any material breach of CDS Clearing Documentation by any CDS Dealer with which the Clearing Member has entered into a CDS Dealer Clearing Agreement. The proposed changes also amend Article 2.3.1.5 (ii) to clarify that Clearing Members will not be in breach of any obligation to provide information to LCH SA if they are prevented by the refusal of a CDS Dealer to provide the information. Finally, the proposed changes would amend Article 4.2.7.2 to authorize Clearing Members to provide Market LCH Settlement Prices to CDS Dealers.

The proposed changes add a new Chapter 5 in Title II of the Rule Book to explain how a CDS Dealer presents Original Transactions to LCH SA for clearing, novation, and registration in the name of an affiliate Clearing Member. As noted, under new Article 2.5.1.1, a CDS Dealer may only submit transactions to LCH SA for a Clearing Member with which the CDS Dealer has entered into a CDS Dealer Clearing Agreement. Moreover, a CDS Dealer must be admitted by LCH SA into the Register of CDS Dealers, and as explained in new Article 2.5.1.2, an applicant for admission into the Register must satisfy the criteria in Section 1 of the Procedures. The proposed changes state that a CDS Dealer is bound by CDS Clearing Documentation once admitted

<sup>8</sup> The Rule Book defines a CCM as any legal entity admitted as a Clearing Member in accordance with the CDS Clearing Rules at LCH SA and a party to the CDS Admission Agreement, including General Members and Select Members. LCH SA CDS Clearing Rule Book Chapter 1 Article 1.1.1.

to the Register of Dealers. The proposed changes in new Chapter 5 also reference Section 1 of the Procedures, specifying the conditions for admission as a CDS Dealer. The proposed changes specify that LCH SA may suspend or remove a CDS Dealer and the CDS Dealer remains bound by its obligations under the CDS Clearing Documentation and the CDS Dealer Clearing Agreement. The proposed changes also automatically suspend a CDS Dealer if the affiliate Clearing Member is suspended.

With respect to the novation of trades submitted by a CDS Dealer, the proposed changes amend Articles 3.1.6.1(iii) and (iv) to state that a Clearing Member in a CDS Dealer Clearing Agreement with a CDS Dealer will be party to any trade novated from an Original Transaction presented by that CDS Dealer for clearing. The proposed changes replace "Clearing Member concerned" with "Clearing Member in whose Trade Accounts such Cleared Transactions are registered" in Article 3.1.6.7.

In addition to these amendments, the proposed changes add new defined terms, and modify existing defined terms, regarding CDS Dealers. For example, the proposed changes add the term "CDS Dealer" to mean a Person admitted by LCH SA to the Register of CDS Dealers and who has not been removed from the Register of CDS Dealers and is not a Clearing Member. The proposed changes also add the term "Register of CDS Dealers" to refer to LCH SA's list of CDS Dealers eligible to submit transactions for clearing. The proposed changes add the term "CDS Dealer Clearing Agreement" to describe the written agreement a CDS Dealer must execute with LCH SA and a CCM. The proposed changes add a reference to a CDS Dealer in the term "ATSS Participant," add the term "CDS Dealer" to the terms "Clearing Notice," "House Trade Leg," "Index Swaption Clearing Service," and "Procedures," and amends the term "CCM Client" to exclude CDS Dealers. The proposed changes also amend the term "House Trade Account" to include Cleared Transactions resulting from the novation of Original Transactions presented by a CDS Dealer.

Finally, the proposed changes modify existing provisions of the Rule Book to include the term CDS Dealer. For example, the proposed changes specify in Article 1.2.4.1 that LCH SA can waive the time fixed by the CDS Clearing Documentation for actions by a CDS Dealer, as it can for actions by a Clearing Member. Similarly, the proposed changes ensure that CDS Dealers are covered by the Rule Book by adding

references to the term CDS Dealer to the following provisions: Articles 1.2.5.1 (communicating with Clearing Members), 1.2.13.1 and 1.2.13.4 (disclosures on handling personal data of individuals disclosed to LCH SA), 1.2.13.5 (consent to phone recording), 2.2.7.7 (relationship with ATTS); 3.1.6.6 (disclaimer of warranty for use of ATSS), 3.1.6.4 (stipulating no credit event notice occurs before novation), 3.1.10.1 and 3.1.10.2 (removal of Backloading Transactions and Intraday Transactions from the TIW), 3.1.9.1 (notice of Loss Distribution post-default); 4.3.2.3 (suspension of trading privileges following a Clearing Member default); and Section 1.2.10 (liability of Clearing Members and CDS Dealers to LCH SA and disclaimer of liability by LCH SA). The proposed changes also add the term “CDS Dealer” to ensure that CDS Dealers are among the entities notified by LCH SA of an Early Termination Trigger Date in Article 3.1.9.4 and remove a reference to “Clearing Members” at the end of the same article to broaden the scope of trade submitters to include CDS Dealers.

#### Proposed Changes to CDS Clearing Procedures

The proposed changes amend Section 1, Section 4, and Section 5 of LCH SA’s CDS Clearing Procedures (the “Procedures”).

In Section 1 of the Procedures, the proposed changes establish the application procedure for an Affiliate applying to become a CDS Dealer. The proposed changes first rename the title of Section 1 from “Membership” to “Clearing Member and CDS Dealer Status,” to clarify that the section relates to Clearing Members and CDS Dealers, not just Clearing Members. Similarly, the proposed changes amend Paragraph 1.1 to indicate that it relates to the application procedures for Clearing Member status to distinguish it from the new application procedure for CDS Dealer status, which will be found in Paragraph 1.2. Finally, the proposed changes add references to the status of Clearing Member in 1.1 and deletes the reference to Regulatory Body in Paragraph 1.1(d)(iii).

The proposed changes add a new paragraph 1.2 for the application procedure for CDS Dealer Status. Under new Paragraph 1.2(a), an application for CDS Dealer status must be made in such form and fashion as prescribed by LCH SA from time to time and may be obtained from LCH SA’s CDSClear Business Development & Relationship Management team. Moreover, Applicants approved by LCH SA for the CDS Dealer status must, within six

months of notification of their approval, fulfil all conditions attached to their approval.<sup>9</sup> Paragraph 1.2(b) describes the actions LCH SA can take as part of its due diligence and review process, including making inquiries about the nature of an applicant and asking an applicant to supply additional information.<sup>10</sup> The proposed changes also set out in Paragraph 1.2(c) several criteria a CDS Dealer applicant must satisfy to be considered for admission: be validly incorporated and existing under the laws of its jurisdiction of incorporation in good standing; execute, maintain, and comply with a CDS Dealer Clearing Agreement; accept and comply with the CDS Clearing Documentation by executing the CDS Dealer Clearing Agreement; comply with all Applicable Law relating to its status as CDS Dealer and the performance of obligations from the CDS Clearing Documentation; pay all required fees and amounts in accordance with CDS Clearing Documentation and/or CDS Dealer Clearing Agreement; be an ATSS Participant for submitting Original Transactions; if the applicant specifies branches, require those branches to be the same legal entity as the CDS Dealer; and have a clearing arrangement governing the submission of Original Transactions in place with a Clearing Member within the CDS Dealer’s Financial Group, such as a give-up agreement or agency agreement.

Finally, the proposed changes also clarify the scope of Paragraph 1.3 by adding a reference to the clearing membership, excluding CDS Dealer status.

In Section 4 of the Procedures, the proposed changes amend Paragraph 4.1(c), which specifies certain criteria that a transaction submitted to LCH SA for clearing must satisfy. Among other things, the Clearing Member submitting the transaction must not be suspended, and LCH SA must be permitted to clear the transaction pursuant to Applicable Law. The proposed changes specify that these Eligibility Requirements for the Clearing Member to submit an Original Transaction also apply to a Clearing Member whose CDS Dealers and/or Clients submit Original Transactions, with certain modifications. Specifically,

<sup>9</sup>This provision is similar to existing paragraph 1.1(f), which allows LCH SA to impose limitations on an Applicant for Clearing Member status and requires a Clearing Member to begin operations within six months after LCH SA approves its application.

<sup>10</sup>Such inquiries are nearly identical to the authority LCH SA has in conducting inquiries on Clearing Member applicants and could include obtaining information from third parties.

the proposed changes (i) add new criteria pursuant to which a CDS Dealer presenting an Original Transaction shall not be suspended or removed from the Register of CDS Dealers and (ii) require that LCH SA shall be permitted to clear such Original Transaction, including when a CDS Dealer is presenting the transaction.

The proposed changes modify Paragraphs 4.2(f)(ii), 4.3(e)(ii), and 4.4(e)(ii). These provisions currently provide that a Clearing Member may submit a transaction to LCH SA for clearing, even where the transaction does not meet the Eligibility Requirements discussed above, if the transaction is a risk reducing transaction. The proposed changes also add that CDS Dealers and Clients will also be able to submit such risk-reducing transactions in those same circumstances.

Finally, the proposed changes amend Section 5 of the Procedures, which relates to the operations of LCH SA’s CDS Clearing services. Paragraph 5.13 currently allows a Clearing Member to reverse a cleared transaction in certain circumstances. The proposed changes add that a Clearing Member may also reverse a transaction submitted on its behalf by a CDS Dealer, in the same circumstances as a transaction submitted directly by the Clearing Member.

#### B. Technical Amendments

LCH SA also proposes several minor formatting changes, typographical corrections, and updates to internal cross references. For example, in the Rule Book, the proposed changes modify the defined term “Trading Venue Transaction” by replacing “[w]ith respect of a Clearing Member” to “[w]ith respect to a Clearing Member.” The proposed changes correct other typos and extraneous spaces in Articles 2.2.3.1, 2.2.1.1(iv), 2.2.2.1(iv), 2.4.1.1, 4.2.7.7., 5.1.1.3(xviii), the second paragraph of Article 5.3.3.2 and Articles 5.3.5.1, 5.3.5.2, 5.3.5.4 and 6.1.1.3(xvi). Similarly, the proposed changes replace references to a “person” with the defined term “Person” in Article 1.0.1.2, Section 1.1.1, Articles 1.2.12.1, 1.2.12.2, 2.1.1.2, 4.2.7.5, 6.1.1.2, and the Annex of Appendix 1. The proposed changes also remove “CCM” before “House Cleared Transactions” in the term “CCM House Margin Account.”

In the Procedures Section 1, LCH proposes new numbering of subparagraphs of paragraphs 1.1 and new paragraph 1.2 and the use of the defined term “Person.” The proposed changes

also correct a typo in the reference to the “Access Agreement.”

In the Procedures Section 5, the proposed changes replace “LCH Website” with defined term “Website” in paragraphs 5.2(a)(iii), 5.5(a), 5.18.3, 5.18.4, 5.18.5(a), 5.6(a) and 5.8(a), and remove reference to the “CDSClear Margin And Product Flows Document” in Paragraph 5.16(a)(iii)(G)(1).

Finally, the proposed changes update references to certain laws applicable to LCH SA. Specifically, the proposed changes update the term “Data Protection Law” to the latest EU and French regulations. Similarly, the proposed changes add a new Article 1.1.3.10 to Section 1.1.3 to state that nothing in the CDS Clearing Documentation shall compel LCH SA to act in contravention of Applicable Law or other regulatory obligations.

### III. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act requires the Commission to approve a proposed rule change of a self-regulatory organization if it finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the organization.<sup>11</sup> Under the Commission’s Rules of Practice, the “burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization [‘SRO’] that proposed the rule change.”<sup>12</sup>

The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding,<sup>13</sup> and any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.<sup>14</sup> Moreover, “unquestioning reliance” on an SRO’s representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.<sup>15</sup>

After carefully considering the Proposed Rule Change, the Commission

finds that the Proposed Rule Change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to LCH SA. More specifically, for the reasons given below, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(A) and (F) of the Act<sup>16</sup> and Rule 17Ad–22(e)(18)(i).<sup>17</sup>

#### A. Consistency With Section 17A(b)(3)(A) of the Act

Section 17A(b)(3)(A) of the Act requires, among other things, that LCH SA has the capacity to be able to facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements and has the capacity to be able to comply with the provisions of the Act and the rules and regulations thereunder.<sup>18</sup> Based on review of the record, and for the reasons discussed below, LCH SA’s changes are consistent with LCH SA having the capacity to facilitate prompt and accurate clearance and settlement of derivatives agreements and having the capacity to be able to comply with provisions of the Act and rules thereunder.

As described above, the proposed changes allow affiliates of Clearing Members to submit trades on behalf of those Clearing Members after being admitted as CDS Dealers. Having more trade sources available to a Clearing Member can help facilitate clearing where a Clearing Member wants to clear house trades from an affiliate without having to go through a client onboarding process. Expanding trade sources for Clearing Members will also facilitate clearing by providing Clearing Members with additional options for conducting house business as well as managing risk offsets for customer business. The proposed changes also require a potential CDS Dealer to go through a formal application process and secure documentation formalizing the relationship between the Affiliate, Clearing Member, and LCH SA. This formalized application process should help facilitate accurate clearance and settlement by ensuring that only qualified CDS Dealers are approved. The proposed changes also add flexibility for more efficient access to cleared markets, which could help encourage and facilitate clearing. Additionally, Clearing Members accepting House trades from an Affiliate may also benefit from more efficient margin by having all

trades for the same financial group in a single margin account which would also facilitate prompt and accurate clearance and settlement.

Based on the foregoing, the Proposed Rule Change is consistent with the requirements of Sections 17A(b)(3)(A) of the Act.<sup>19</sup>

#### B. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that LCH SA’s rules be designed to promote the prompt and accurate clearance and settlement of securities transactions, and, to the extent applicable, derivatives agreements, and foster cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.<sup>20</sup> Based on review of the record, and for the reasons discussed below, LCH SA’s changes are consistent with LCH SA having rules designed to promote the prompt and accurate clearance and settlement of securities transactions and derivatives agreements and fostering cooperation and coordination with persons engaged in the clearance and settlement of securities transactions.

As discussed above, the proposed change would allow an Affiliate of a Clearing Member to submit House transactions on behalf of that Clearing Member. By allowing more trade origination sources, the Proposed Rule Change helps facilitate prompt and accurate clearance of security-based swaps. Having more trade sources for a Clearing Member could lead to more trades being cleared. Moreover, the Proposed Rule Change helps foster cooperation and coordination between CDS Dealers and Clearing Members because a Clearing Member may want to consolidate risk with an Affiliate or allow the Affiliate to handle some trading or risk offsetting strategies for a common margin account for a financial group. The Proposed Rule Change also fosters cooperation between CDS Dealers and customers by allowing CDS Dealers to submit for clearing on behalf of their affiliated Clearing Members transactions where the counterparties are Clients of another Clearing Member. This may foster cooperation and promote clearance of transactions, given that some customers may choose to enter into transactions with CDS Dealers instead of a Clearing Member directly.

Based on the foregoing, the Proposed Rule Change is consistent with the

<sup>11</sup> 15 U.S.C. 78s(b)(2)(C).

<sup>12</sup> Rule 700(b)(3), Commission Rules of Practice, 17 CFR 201.700(b)(3).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Susquehanna Int’l Group, LLP v. Securities and Exchange Commission*, 866 F.3d 442, 447 (D.C. Cir. 2017).

<sup>16</sup> 15 U.S.C. 78q–1(b)(3)(A) and 15 U.S.C. 78q–1(b)(3)(F).

<sup>17</sup> 17 CFR 240.17Ad–22(e)(18)(i).

<sup>18</sup> 15 U.S.C. 78q–1(b)(3)(A).

<sup>19</sup> *Id.*

<sup>20</sup> 15 U.S.C. 78q–1(b)(3)(F).

requirements of Sections 17A(b)(3)(F) of the Act.<sup>21</sup>

*C. Consistency With Rule 17Ad-22(e)(18)(i) Under the Act*

Rule 17Ad-22(e)(18)(i) requires covered clearing agencies to, among other things, establish objective and publicly disclosed criteria for participation which permit fair and open access by indirect participants.<sup>22</sup>

The proposed changes will facilitate LCH SA's ability to permit fair and open access by indirect participants by applying the same public and objective membership standards to potential CDS Dealers as are applied to regular Clearing Members, and by creating a new category of CDS Dealer, which will allow eligible indirect participants to place trades as a CDS Dealer into an affiliate Clearing Member's house account.

Based on the foregoing, the Proposed Rule Change is consistent with the requirements of Rule 17Ad-22(e)(18)(i) under the Act.<sup>23</sup>

#### IV. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, Sections 17A(b)(3)(A) and (F) of the Act<sup>24</sup> and Rule 17Ad-22(e)(18)(i).<sup>25</sup>

*It is therefore ordered* pursuant to Section 19(b)(2) of the Act that the Proposed Rule Change (SR-LCH SA-2024-005) be, and hereby is, approved.<sup>26</sup>

For the Commission by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01546 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102215; File Nos. SR-NYSE-2024-81, SR-NYSEAMER-2024-80, SR-NYSEARCA-2024-113, SR-NYSECHX-2024-37, SR-NYSEAT-2024-33]

#### Self-Regulatory Organizations; New York Stock Exchange LLC; NYSE American LLC; NYSE Arca, Inc.; NYSE Chicago, Inc.; NYSE National, Inc.; Notice of Withdrawal of Proposed Rule Change To Amend the Connectivity Fee Schedule

January 16, 2025.

On December 17, 2024, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (the "Exchanges") each filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend the connectivity fee schedule to add fees for connectivity from the Mahwah Data Center to one or more trading floors. The proposed rule changes were published for comment in the **Federal Register** on January 3, 2025.<sup>3</sup>

On December 31, 2024, the Exchanges withdrew the proposed rule changes (SR-NYSE-2024-81, SR-NYSEAMER-2024-80, SR-NYSEARCA-2024-113, SR-NYSECHX-2024-37, SR-NYSEAT-2024-33).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>4</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01545 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102239; File No. SR-CboeBZX-2025-004]

#### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.15(b) (Exchange Data Products) To Adopt Cboe Timestamping Service, Which Is a Market Data Service Comprised of Two Distinct Market Data Reports

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 10, 2025, Cboe BZX Exchange, Inc. ("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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 21.15(b) (Exchange Data Products) to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports.<sup>3</sup> The Cboe Timestamping Service will provide timestamp information for orders, quotes and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange system. The first report—the Missed Liquidity Report—will cover order and quote messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of

<sup>21</sup> *Id.*

<sup>22</sup> 17 CFR 240.17Ad-22(e)(18)(i).

<sup>23</sup> *Id.*

<sup>24</sup> 15 U.S.C. 78q-1(b)(3)(A) and 15 U.S.C. 78q-1(b)(3)(F).

<sup>25</sup> 17 CFR 240.17Ad-22(e)(18)(i).

<sup>26</sup> In approving the Proposed Rule Change, the Commission considered the proposal's impacts on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

<sup>27</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release Nos. 102043 (December 27, 2024), 90 FR 351 (SR-NYSE-2024-81); 102042 (December 27, 2024), 90 FR 360 (SR-NYSEAMER-2024-80); 102041 (December 27, 2024), 90 FR 347 (SR-NYSEARCA-2024-113); 102040 (December 27, 2024), 90 FR 356 (SR-NYSECHX-2024-37); 102039 (December 27, 2024), 90 FR 342 (SR-NYSEAT-2024-33).

<sup>4</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange previously submitted the proposed rule change on December 13, 2024 (SR-CboeBZX-2024-124). See Securities Exchange Act Release No. 102044 (December 27, 2024), 90 FR 342, (January 3, 2025) (SR-CboeBZX-2024-124). The Exchange is withdrawing SR-CboeBZX-2024-124 and submitting this filing to make clarifying, non-substantive changes to more clearly reflect the excluded trades in the Missed Liquidity Report, which the Exchange believes will avoid potential confusion.

reports selected.<sup>4</sup> The text of the proposed rule change is provided in Exhibit 5.

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 ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/bzx/](http://markets.cboe.com/us/equities/regulation/rule_filings/bzx/)), at the Exchange's Office of the Secretary, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-CboeBZX-2025-004](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeBZX-2025-004).

## II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>5</sup> and Rule 19b-4(f)(6)<sup>6</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b-4(f)(6)<sup>8</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>9</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>10</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to launch the proposed

Missed Liquidity Report and Cancels Report on January 27, 2025. The Commission recognizes that the Exchange previously submitted the proposed rule change on December 13, 2024 (SR-CboeBZX-2024-124), which would have resulted in an operative date of January 13, 2025. The Exchange withdrew filing SR-CboeBZX-2024-124 on January 10, 2025, and the Commission did not receive any comments related to that filing. The Exchange submitted this filing to make a clarifying, non-substantive change to more clearly reflect the excluded trades under the Missed Liquidity Report, which the Exchange believes will avoid potential confusion. Further, this filing does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>11</sup>

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.

## III. 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.<sup>12</sup> 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-CboeBZX-2025-004](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeBZX-2025-004)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include

file number SR-CboeBZX-2025-004 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-CboeBZX-2025-004. 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-CboeBZX-2025-004](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeBZX-2025-004)). 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-2025-004 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>13</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025-01620 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102237; File No. SR-CBOE-2025-003]

### Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Cboe Timestamping Service Which Is a Market Data Service Comprised of Two Distinct Market Data Reports

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 10, 2025, Cboe Exchange, Inc. ("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 Commission is publishing this notice to

<sup>4</sup> The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

<sup>5</sup> 15 U.S.C. 78(b)(3)(A).

<sup>6</sup> 17 CFR 240.19b-4(f)(6).

<sup>7</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>9</sup> 17 CFR 240.19b-4(f)(6).

<sup>10</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>11</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>12</sup> 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.

<sup>13</sup> 17 CFR 200.30-3(a)(12) and (59).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 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

The Exchange proposes to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports.<sup>3</sup> The Cboe Timestamping Service will provide timestamp information for orders,<sup>4</sup> quotes and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange system. The first report—the Missed Liquidity Report—will cover order and quote messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.<sup>5</sup>

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 (<https://www.cboe.com/AboutCBOE/CBOELegalRegulatoryHome.aspx>), at the Exchange's Office of the Secretary, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-CBOE-2025-003](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CBOE-2025-003).

### II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>6</sup> and Rule 19b-4(f)(6)<sup>7</sup> thereunder. Because the foregoing proposed rule change does

not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6)<sup>9</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>10</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>11</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to launch the proposed Missed Liquidity Report and Cancels Report on January 27, 2025. The Commission recognizes that the Exchange previously submitted the proposed rule change on December 13, 2024 (SR-Cboe-2024-056), which would have resulted in an operative date of January 13, 2025. The Exchange withdrew filing SR-Cboe-2024-056 on January 10, 2025, and the Commission did not receive any comments related to that filing. The Exchange submitted this filing to make a clarifying, non-substantive change to more clearly reflect the excluded trades under the Missed Liquidity Report, which the Exchange believes will avoid potential confusion. Further, this filing does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>12</sup>

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.

### III. 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.<sup>13</sup> 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-CBOE-2025-003](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CBOE-2025-003)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CBOE-2025-003 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-CBOE-2025-003. 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-CBOE-2025-003](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CBOE-2025-003)). 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-2025-003 and should be submitted on or before February 13, 2025.

<sup>3</sup> The Exchange previously submitted the proposed rule change on December 13, 2024 (SR-Cboe-2024-056). See Securities Exchange Act Release No. 102045 (December 27, 2024), 90 FR 364, (January 3, 2025) (SR-Cboe-2024-056). The Exchange is withdrawing SR-Cboe-2024-056 and submitting this filing to make clarifying, non-substantive changes to more clearly reflect the excluded trades in the Missed Liquidity Report, which the Exchange believes will avoid potential confusion.

<sup>4</sup> Orders shall include both complex and simple orders.

<sup>5</sup> The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

<sup>6</sup> 15 U.S.C. 78(b)(3)(A).

<sup>7</sup> 17 CFR 240.19b-4(f)(6).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>12</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>13</sup> 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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01624 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102240; File No. SR-CboeEDGX-2025-002]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.15(b) (Exchange Data Products) To Adopt Cboe Timestamping Service, Which Is a Market Data Service Comprised of Two Distinct Market Data Reports

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 10, 2025, Cboe EDGX Exchange, Inc. (“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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Rule 21.15(b) (Exchange Data Products) to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports.<sup>3</sup> The Cboe Timestamping Service will provide timestamp information for orders,<sup>4</sup> quotes and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange

system. The first report—the Missed Liquidity Report—will cover order and quote messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.<sup>5</sup> The text of the proposed rule change is provided in Exhibit 5.

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://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](https://markets.cboe.com/us/options/regulation/rule_filings/edgx/), at the Exchange’s Office of the Secretary, and on the Commission’s website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-CboeEDGX-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeEDGX-2025-002).

#### II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>6</sup> and Rule 19b-4(f)(6)<sup>7</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6)<sup>9</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>10</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>11</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public

interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to launch the proposed Missed Liquidity Report and Cancels Report on January 27, 2025. The Commission recognizes that the Exchange previously submitted the proposed rule change on December 13, 2024 (SR-CboeEDGX-2024-082), which would have resulted in an operative date of January 13, 2025. The Exchange withdrew filing SR-CboeEDGX-2024-082 on January 10, 2025, and the Commission did not receive any comments related to that filing. The Exchange submitted this filing to make a clarifying, non-substantive change to more clearly reflect the excluded trades under the Missed Liquidity Report, which the Exchange believes will avoid potential confusion. Further, this filing does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>12</sup>

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.

#### III. 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.<sup>13</sup>

<sup>5</sup> The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

<sup>6</sup> 15 U.S.C. 78(b)(3)(A).

<sup>7</sup> 17 CFR 240.19b-4(f)(6).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>12</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule’s impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>13</sup> 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.

<sup>14</sup> 17 CFR 200.30-3(a)(12) and (59).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange previously submitted the proposed rule change on December 13, 2024 (SR-CboeEDGX-2024-082). The Exchange is withdrawing SR-CboeEDGX-2024-082 and submitting this filing to make clarifying, non-substantive changes to more clearly reflect the excluded trades in the Missed Liquidity Report, which the Exchange believes will avoid potential confusion.

<sup>4</sup> Orders shall include both complex and simple orders.

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-CboeEDGX-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeEDGX-2025-002)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-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-CboeEDGX-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-CboeEDGX-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-CboeEDGX-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-CboeEDGX-2025-002 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01622 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102210; File No. SR-ISE-2025-01]

### Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934

Copies of the filing also will be available for inspection and copying at the principal office of SRO.

<sup>14</sup> 17 CFR 200.30-3(a)(12) and (59).

(“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, Nasdaq ISE, LLC (“ISE” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup> related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/ise/rulefilings>, at the principal office of the Exchange, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-ISE-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-01).

#### 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.<sup>6</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An “Industry Member” is defined as “a member of a national securities exchange or a member of a national securities association.” See Nasdaq Rule General 7(u) (ISE General 7 incorporates The Nasdaq Stock Market LLC Rule General 7 by reference); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. Nasdaq ISE Rule General 7 (Consolidated Audit Trail Compliance).

<sup>6</sup> Copies of the submission, all subsequent amendments, all written statements with respect to

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-ISE-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-01)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-ISE-2025-01 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-ISE-2025-01. 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-ISE-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-01)). 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-ISE-2025-01 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01552 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

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.

<sup>7</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102208; File No. SR–BX–2025–001]

### Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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 Act<sup>3</sup> and Rule 19b–4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup> related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/bx/rulefilings>, at the principal office of the Exchange, and on the Commission’s website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-BX-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-BX-2025-001).

#### 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.<sup>6</sup> 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-BX-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-BX-2025-001)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–BX–2025–001 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–BX–2025–001. 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-BX-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-BX-2025-001)). 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–BX–2025–001 and should be submitted on or before February 13, 2025.

<sup>6</sup> 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.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

Sherry R. Haywood,  
Assistant Secretary.

[FR Doc. 2025–01550 Filed 1–22–25; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102212; File No. SR–PHLX–2025–01]

### Self-Regulatory Organizations; Nasdaq PHLX LLC.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, Nasdaq PHLX LLC (“PHLX” or the “Exchange”) filed with the Securities and Exchange Commission (“SEC” or “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 Act<sup>3</sup> and Rule 19b–4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup>

<sup>7</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An “Industry Member” is defined as “a member of a national securities exchange or a member of a national securities association.” See Nasdaq Rule General 7(u) (PHLX General 7 incorporates The Nasdaq Stock Market LLC Rule General 7 by

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An “Industry Member” is defined as “a member of a national securities exchange or a member of a national securities association.” See Nasdaq Rule General 7(u) (BX General 7 incorporates The Nasdaq Stock Market LLC Rule General 7 by reference); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. Nasdaq BX Rule General 7 (Consolidated Audit Trail Compliance).

Continued

related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/phlx/rulefilingsa>, at the principal office of the Exchange, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-PHLX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-PHLX-2025-01).

## 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.<sup>6</sup> 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-PHLX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-PHLX-2025-01)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-PHLX-2025-01 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-PHLX-2025-01. 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-PHLX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-PHLX-2025-01)). Do not include personal identifiable information in submissions; you should

reference); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. See Nasdaq PHLX Rule General 7 (Consolidated Audit Trail Compliance).

<sup>6</sup> 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.

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-PHLX-2025-01 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025-01554 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102238; File No. SR-C2-2025-001]

### Self-Regulatory Organizations; Cboe C2 Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt Cboe Timestamping Service Which Is a Market Data Service Comprised of Two Distinct Market Data Reports

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 10, 2025, Cboe C2 Exchange, Inc. ("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 Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt the Cboe Timestamping Service, which is a market data service comprised of two distinct market data reports.<sup>3</sup> The Cboe Timestamping Service will provide

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> The Exchange previously submitted the proposed rule change on December 13, 2024 (SR-C2-2024-022). See Securities Exchange Act Release No. 102046 (December 27, 2024), 90 FR 346, (January 3, 2025) (SR-C2-2024-022). The Exchange is withdrawing SR-C2-2024-022 and submitting this filing to make clarifying, non-substantive changes to more clearly reflect the excluded trades in the Missed Liquidity Report, which the Exchange believes will avoid potential confusion.

timestamp information for orders,<sup>4</sup> quotes and cancels for market participants. More specifically, the Cboe Timestamping Service reports will provide various timestamps relating to the message lifecycle throughout the exchange system. The first report—the Missed Liquidity Report—will cover order and quote messages and the second report—Cancels Report—will cover cancel messages. The proposed reports are optional products that will be available to all Members and Members may opt to choose both reports, one report, or neither report. Corresponding fees will be assessed based on the number of reports selected.<sup>5</sup>

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 ([http://markets.cboe.com/us/options/regulation/rule\\_filings/ctwo/](http://markets.cboe.com/us/options/regulation/rule_filings/ctwo/)), at the Exchange's Office of the Secretary, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-C2-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-C2-2025-001).

#### II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>6</sup> and Rule 19b-4(f)(6)<sup>7</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>8</sup> and Rule 19b-4(f)(6)<sup>9</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>10</sup> normally does not

<sup>4</sup> Orders shall include both complex and simple orders.

<sup>5</sup> The Exchange plans to submit a separate filing with the Commission pursuant to Section 19(b)(1) to propose fees for the Missed Liquidity Report and Cancels Report.

<sup>6</sup> 15 U.S.C. 78(b)(3)(A).

<sup>7</sup> 17 CFR 240.19b-4(f)(6).

<sup>8</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>9</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Exchange to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

<sup>10</sup> 17 CFR 240.19b-4(f)(6).

become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>11</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to launch the proposed Missed Liquidity Report and Cancels Report on January 27, 2025. The Commission recognizes that the Exchange previously submitted the proposed rule change on December 13, 2024 (SR-C2-2024-022), which would have resulted in an operative date of January 13, 2025. The Exchange withdrew filing SR-C2-2024-022 on January 10, 2025, and the Commission did not receive any comments related to that filing. The Exchange submitted this filing to make a clarifying, non-substantive change to more clearly reflect the excluded trades under the Missed Liquidity Report, which the Exchange believes will avoid potential confusion. Further, this filing does not introduce any novel regulatory issues. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>12</sup>

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.

### III. 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.<sup>13</sup>

<sup>11</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>12</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>13</sup> 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

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-C2-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-C2-2025-001)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-C2-2025-001 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-C2-2025-001. 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-C2-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-C2-2025-001)). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-C2-2025-001 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>14</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01615 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

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.

<sup>14</sup> 17 CFR 200.30-3(a)(12) and (59).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102241; File No. SR-NYSEAMER-2025-04]

### Self-Regulatory Organizations; NYSE American LLC; Notice of Filing and Immediate Effectiveness of Proposed Change To Amend the NYSE American Options Fee Schedule

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 15, 2025, NYSE American LLC ("NYSE American" or the "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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 amend the Floor Broker Fixed Cost Prepayment Incentive Program (the "FB Prepay Program" or "Program") by (1) increasing the manual and QCC volume required for Floor Brokers to earn an additional credit; (2) adopting a new additional Floor Broker rebate based on Firm Facilitation volume; (3) increasing the maximum combined Floor Broker credits paid for QCC trades and rebates paid through the Manual Billable Rebate Program; and (4) permitting Floor Brokers that restructure while in FB Prepay Program to maintain their status in the Program. The Exchange proposes to implement the fee change effective January 15, 2025.<sup>5</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> On December 20, 2024, the Exchange filed to amend the Fee Schedule (SR-NYSEAmer-2024-

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://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-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-04).

## 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.<sup>6</sup> 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-NYSEAMER-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-04)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NYSEAMER-2025-04 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-2025-04. 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-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NYSEAMER-2025-04)). 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

83), then withdrew and replaced such filing on January 2, 2025 (SR-NYSEAMER-2025-02), then withdrew and replaced that filing on January 14, 2025 (SR-NYSEAMER-2025-03), which latter filing the Exchange withdrew on January 15, 2025.

<sup>6</sup> 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.

to file number SR-NYSEAMER-2025-04 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2025-01623 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102209; File No. SR-GEMX-2025-01]

### Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, Nasdaq GEMX, LLC ("GEMX" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup>

<sup>7</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An "Industry Member" is defined as "a member of a national securities exchange or a member of a national securities association." See Nasdaq Rule

related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/GEMX/rulefilings>, at the principal office of the Exchange, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-GEMX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-GEMX-2025-01).

## 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.<sup>6</sup> 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-GEMX-2025-01](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-GEMX-2025-01)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-GEMX-2025-01 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-GEMX-2025-01. 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-GEMX-](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-GEMX-2025-01)

General 7(u) (GEMX General 7 incorporates The Nasdaq Stock Market LLC Rule General 7 by reference); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule, Nasdaq GEMX Rule General 7 (Consolidated Audit Trail Compliance).

<sup>6</sup> 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.

2025-01). 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–GEMX–2025–01 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–01551 Filed 1–22–25; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102244; File No. SR–ISE–2025–04]

### Self-Regulatory Organizations; Nasdaq ISE, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay an Amendment to a Complex Order Risk Protection

January 17, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on January 10, 2025, Nasdaq ISE, LLC (“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 Act<sup>3</sup> and Rule 19b–4(f) thereunder.<sup>4</sup> The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>7</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delay the implementation of an amendment to Options 3, Section 16, Complex Order Risk Protections, related to a Complex Order that includes at least one P.M.-settled leg and at least one A.M.-settled leg.<sup>5</sup>

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/ise/rules>, at the principal office of the Exchange, and on the Commission’s website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-ISE-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-04).

### 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.<sup>6</sup> 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-ISE-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-04)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–ISE–2025–04 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–ISE–2025–04. 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->

<sup>5</sup> See Securities Exchange Act Release No. 100743 (August 16, 2024), 89 FR 68014 (August 22, 2024) (SR–ISE–2024–39) (Notice of Filing of Proposed Rule Change To Amend Complex Order Risk Protections) (“SR–ISE–2024–39”). This rule change is effective but not yet operative.

<sup>6</sup> 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.

[securities-exchanges?file\\_number=SR-ISE-2025-04](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-ISE-2025-04)). 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–ISE–2025–04 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025–01616 Filed 1–22–25; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102220; File No. SR–NYSEAMER–2024–61]

### Self-Regulatory Organizations; NYSE American LLC; Order Granting Approval of a Proposed Rule Change To Amend Section 1003 of the NYSE American LLC Company Guide To Provide for the Suspension and Delisting of Any Company That: (i) Has Effected One or More Reverse Stock Splits Over the Prior Two-Year Period With a Cumulative Ratio of 200 Shares or More to One; or (ii) Has Effectuated a Reverse Stock Split and the Effectuation of Such Reverse Stock Split Results in the Company’s Security Falling Below Any of the Continued Listing Requirements of Section 1003

January 16, 2025.

#### I. Introduction

On October 16, 2024, NYSE American LLC (“NYSE American” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> a proposed rule change to amend Section 1003 of the NYSE American LLC Company Guide (“Company Guide”) to provide for the suspension and delisting of any listed company that (i) has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one or (ii) has effectuated a reverse stock split and the effectuation of such reverse stock split

<sup>7</sup> 17 CFR 200.30–3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

results in the company's security falling below any of the continued listing requirements of Section 1003 of the Company Guide. The proposed rule change was published for comment in the **Federal Register** on November 4, 2024.<sup>3</sup>

On December 16, 2024, pursuant to Section 19(b)(2) of the Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> This order approves the proposed rule change.

## II. Description of the Proposed Rule Change

Section 1003(f)(v) of the Company Guide (Low Selling Price Issues) currently provides that in the case of a listed common stock selling for a substantial period of time at a low price per share, the Exchange may suspend and delist a company if such company shall fail to effect a reverse split of such shares within a reasonable time after being notified that the Exchange deems such action to be appropriate under all the circumstances. In its review of the question of whether it deems a reverse split of a given issue to be appropriate, the Exchange will consider all pertinent factors, including market conditions in general, the number of shares outstanding, plans which may have been formulated by management, applicable regulations of the state or country of incorporation or of any governmental agency having jurisdiction over the issuer, the relationship to other Exchange policies regarding continued listing, and, in respect of securities of foreign issuers, the general practice in the country of origin of trading in low-selling price issues.<sup>6</sup>

The Exchange proposes to amend Section 1003(f) of the Company Guide (Other Events) to add two circumstances relating to effectuating reverse stock splits under which the Exchange would immediately suspend and delist a listed company. First, proposed Section 1003(f)(vi) of the Company Guide would provide that if a listed issuer has

effectuated one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one, the Exchange would commence immediate suspension and delisting procedures in accordance with the procedures set out in Section 1010 of the Company Guide.<sup>7</sup> In addition, proposed Section 1003(f)(vii) of the Company Guide would provide that if a listed issuer has effectuated a reverse stock split and the effectuation of such reverse stock split results in the company's security falling below any of the continued listing requirements of Section 1003 of the Company Guide,<sup>8</sup> the Exchange would commence immediate suspension and delisting procedures in accordance with the procedures set out in Section 1010 of the Company Guide. In either case, the issuer would not be eligible to follow the procedures outlined in Section 1009 of the Company Guide.<sup>9</sup>

The Exchange states that many companies seek to address low selling price issues under Section 1003(f)(v) of the Company Guide by effectuating a reverse stock split.<sup>10</sup> However, the Exchange has observed that some companies, typically those in financial distress or experiencing a prolonged operational downturn, engage in a pattern of repeated reverse stock splits.<sup>11</sup> The Exchange states that such behavior is often indicative of deep financial or operational distress within such companies rendering them inappropriate for trading on the Exchange for investor protection reasons.<sup>12</sup> The Exchange states that it

<sup>7</sup> Part 12 of the Company Guide provides that companies may seek review of a delisting determination from the Committee for Review of the Board of Directors of the Exchange.

<sup>8</sup> Section 1003 of the Company Guide sets forth certain quantitative requirements for continued listing on the Exchange, including criteria relating to stockholders' equity, market capitalization, and number of shareholders. Section 1003 of the Company Guide also sets forth certain non-quantitative requirements for continued listing on the Exchange, such as maintaining an effective registration under the Act.

<sup>9</sup> Section 1009 of the Company Guide sets forth specific procedures for listed companies that are identified as being below the continued listing criteria. In general, Section 1009 of the Company Guide provides that if the Exchange identifies a company as being below the Exchange's continued listing criteria, the Exchange will notify the company within 10 business days and provide the company with an opportunity to submit a plan to regain compliance with the continued listing standards within 18 months. If the company does not submit a plan within the specified deadline, or if the Exchange does not accept the plan, the Exchange will initiate delisting procedures. If the Exchange accepts the plan, the Exchange will review the company on a quarterly basis for compliance with the plan.

<sup>10</sup> See Notice at 878661–62.

<sup>11</sup> See *id.* at 87662.

<sup>12</sup> See *id.*

has observed that the challenges facing such companies, generally, are not temporary and may be so severe that a company is not likely to remain compliant with Exchange listing standards after curing its low selling price by means of a reverse stock split.<sup>13</sup> Accordingly, the Exchange states the proposal protects investors and the public interest by immediately commencing suspension and delisting procedures with respect to any listed company that (i) has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one or (ii) conducts a reverse stock split that causes the company to fall below any of the continued listing requirements of Section 1003 of the Company Guide.<sup>14</sup> The Exchange states that the proposal enhances the Exchange's listing requirements and would limit the ability of listed companies with a history of having a low stock price to use reverse stock splits to remain qualified for listing.<sup>15</sup>

The Exchange also states that the proposal is consistent with the provisions of Section 1003(f)(v) of the Company Guide related to common stock selling for a substantial period of time at a low price,<sup>16</sup> as well as with the Exchange's consistent policy that it would immediately suspend and delist a listed company if the company effects a reverse stock split to cure a low selling price issue under Section 1003(f)(v) of the Company Guide and the company would fall below another quantitative continued listing standard as a direct result of effecting that reverse stock split.<sup>17</sup>

## III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>18</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,<sup>19</sup> which requires,

<sup>13</sup> See *id.* The Exchange further states that the price concerns with these companies can be a leading indicator of other listing compliance concerns, and these companies often become subject to delisting for other reasons within a short period of time. See *id.*

<sup>14</sup> See *id.*

<sup>15</sup> See *id.*

<sup>16</sup> See *supra* note 6 and accompanying text.

<sup>17</sup> See *id.* at 87661.

<sup>18</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>19</sup> 15 U.S.C. 78f(b)(5).

<sup>3</sup> See Securities Exchange Act Release No. 101457 (Oct. 29, 2024), 89 FR 87661 ("Notice"). Comments on the Notice are available at: <https://www.sec.gov/comments/sr-nyseamer-2024-61/srnyseamer202461.htm>.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 101929, 89 FR 104253 (Dec. 20, 2024) (designating February 2, 2025, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change).

<sup>6</sup> See Section 1003(f)(v) of the Company Guide.

among other things, 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 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and with Section 6(b)(7) of the Act,<sup>20</sup> which requires, among other things, that the rules of a national securities exchange provide a fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange.

The development and enforcement of meaningful listing standards<sup>21</sup> for an exchange is of critical importance to financial markets and the investing public. Among other things, such listing standards help ensure that exchange-listed companies will have sufficient public float, investor base, and trading interest to provide the depth and liquidity to promote fair and orderly markets. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.<sup>22</sup>

<sup>20</sup> 15 U.S.C. 78f(b)(7).

<sup>21</sup> The Commission notes that this reference to “listing standards” is referring to both initial and continued listing standards.

<sup>22</sup> See, e.g., Securities Exchange Act Release Nos. 101271 (Oct. 7, 2024), 89 FR 82652, 82653 n.23 and accompanying text (Oct. 11, 2024) (SR-NASDAQ-2024-029) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Modify the Application of Bid Price Compliance Periods); 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR-NASDAQ-2020-001) (Order Approving a Proposed Rule Change To Modify the Delisting Process for Securities With a Bid Price at or Below \$0.10 and for Securities That Have Had One or More Reverse Stock Splits With a Cumulative Ratio of 250 Shares or More to One Over the Prior Two-Year Period); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR-NASDAQ-2019-089) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 5815 To Preclude Stay During Hearing Panel Review of Staff Delisting Determinations in Certain Circumstances). See also Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR-NYSE-2017-31) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Listed Company Manual To Adopt Initial and Continued Listing Standards for Subscription Receipts) (stating that “[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market” and that “[o]nce a security has

The Exchange’s proposal would provide that the Exchange would immediately commence suspension and delisting procedures with respect to a listed company that effectuates a reverse stock split in certain circumstances. Specifically, proposed Sections 1003(f)(vi) and (vii) of the Company Guide would provide for the immediate suspension and delisting of any listed company that (i) has effectuated one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one or (ii) has effectuated a reverse stock split and the effectuation of such reverse stock split results in the company’s security falling below any of the continued listing requirements of Section 1003 of the Company Guide.

The Exchange’s proposal is reasonably designed to enhance its continued listing standards, thereby protecting investors and the public interest. In particular, the proposal is reasonably designed to curtail the use of reverse stock splits to inappropriately delay delisting and thereby allow a company’s security to remain listed on the Exchange for an extended period despite being inappropriate for trading on the Exchange and not being able to maintain compliance with the Exchange’s listing standards. As discussed above, the Exchange states that engaging in a pattern of repeated reverse stock splits is often indicative of deep financial or operational distress that renders a company inappropriate for trading on the Exchange for investor protection reasons.<sup>23</sup> The Exchange can reasonably conclude from its experience that a listed company that has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one, or a listed company that effects a reverse stock split that results in the company being unable to maintain compliance with the continued listings requirements of Section 1003 of the Company Guide, indicates serious difficulties within such company that are likely to put continued downward pressure on the stock price, such that the company is less likely to maintain or regain compliance with the continued listing standards. In this respect, the proposal is appropriately targeted to those listed companies’ securities that are more likely to have serious recurrent issues in regaining and

been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained.’’).

<sup>23</sup> See Notice at 87662.

maintaining compliance with the Exchange’s continued listing standards.

The Exchange’s proposal is reasonably designed to further investor protection by limiting the ability of listed companies with a history of having a low stock price to use reverse stock splits to remain qualified for listing.<sup>24</sup> The Exchange states that it has observed that the challenges facing such companies generally are not temporary and may be so severe that a company is not likely to remain compliant with Exchange listing standards after curing its low selling price by means of a reverse stock split.<sup>25</sup> In addition, the Exchange states that the price concerns with such companies can be a leading indicator of other listing compliance concerns, and that these companies often become subject to delisting for other reasons within a short period of time.<sup>26</sup> Further, the continued listing of low-priced securities raises concerns that these securities may not have sufficient public float, investor base, and trading interest to promote fair and orderly markets and relatedly may have heightened susceptibility to manipulation. Given these concerns, the Exchange’s proposal to immediately suspend and delist a company that effectuates a reverse stock split in the circumstances described above is appropriate and consistent with Section 6(b)(5) of the Act.

While the Commission recognizes that the Exchange delisting process is in part designed to allow listed companies experiencing temporary financial and/or business issues to regain compliance with continued listing standards, the proposal reasonably balances the intent of the delisting process with the need to prevent companies from taking advantage of the delisting process for an extended period of time despite being inappropriate for trading on the Exchange and not being able to comply with Exchange standards for continued listing, which is contrary to the goal of protecting investors and the public interest.

The proposed rule change is also consistent with Section 6(b)(7) of the Act<sup>32</sup> in that it provides a fair procedure for the prohibition or limitation by the Exchange of any person with respect to access to services offered. A listed company whose securities are subject to immediate suspension and delisting under the proposal would still be able to seek review of a delisting determination from the Committee for Review of the Board of Directors of the

<sup>24</sup> See *id.*

<sup>25</sup> See *id.*

<sup>26</sup> See *id.*

Exchange as set forth in Part 12 of the Company Guide. Accordingly, the proposal is appropriate in light of the need to protect investors and the public interest and the Exchange's process for review of a delisting determination will continue to provide a fair procedure for the review of delisting determinations in accordance with Section 6(b)(7) of the Act.

In sum, the Exchange's proposal appropriately identifies securities listed on its market that are more likely to have serious recurrent issues in regaining and maintaining compliance with the Exchange's continued listing standards, and proposes reasonable changes to shorten the time that such non-compliant securities can remain trading on the Exchange, thereby protecting investors and the public interest in accordance with Section 6(b)(5) of the Act,<sup>27</sup> while at the same time maintaining a fair procedure for affected companies to seek review of a delisting determination from the Committee for Review of the Board of Directors of the Exchange in accordance with Section 6(b)(7) of the Act.<sup>28</sup> For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Act.<sup>29</sup>

#### IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,<sup>30</sup> that the proposed rule change (SR-NYSEAMER-2024-61), be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>31</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01549 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102219; File No. SR-NSCC-2025-001]

### Self-Regulatory Organizations; National Securities Clearing Corporation; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend and Restate the Second Amended and Restated Netting Contract and Limited Cross-Guaranty Between NSCC and DTC

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, National Securities Clearing Corporation ("NSCC") 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 clearing agency. NSCC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Exchange Act<sup>3</sup> and Rule 19b-4(f)(6) thereunder.<sup>4</sup> 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 purpose of this proposed rule change<sup>5</sup> is to amend and restate the Second Amended and Restated Netting Contract and Limited Cross-Guaranty, dated as of October 1, 2002, between NSCC and DTC (the "Cross-Guaranty Agreement").<sup>6</sup> As part of the proposed amendment and restatement of the Cross-Guaranty Agreement, NSCC and DTC (each, a "Clearing Agency," and, together, the "Clearing Agencies")

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b-4(f)(6).

<sup>5</sup> Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC ("DTC Rules") or the National Securities Clearing Corporation ("NSCC") Rules & Procedures ("NSCC Rules"), available at <https://www.dtcc.com/legal/rules-and-procedures>, or the Second Amended and Restated Netting Contract and Limited Cross-Guaranty, dated as of October 1, 2002, between NSCC and DTC, as applicable.

<sup>6</sup> The Cross-Guaranty Agreement (i) is a Clearing Agency Agreement as defined in the DTC Rules (DTC Rule 1, Definitions; Governing Law, *supra* note 5) and is subject to, *inter alia*, Rule 9(E) of the DTC Rules (DTC Rule 9(E), Clearing Agency Agreements, *supra* note 5), and (ii) is a Clearing Agency Cross-Guaranty Agreement as defined in the NSCC Rules (NSCC Rule 1, Definitions and Descriptions, *supra* note 5) and is subject to, *inter alia*, Rule 25 of the NSCC Rules (NSCC Rule 25, Cross-Guaranty Obligation, *supra* note 5).

propose to enter into a Third Amended and Restated Netting Contract and Limited Cross-Guaranty. The proposed changes would amend and restate the Cross-Guaranty Agreement to (i) revise the description of the Clearing Agencies' cross-endorsement procedures to better reflect current practices of the Clearing Agencies, (ii) simplify and consolidate the liquidity and guaranty obligations of the Clearing Agencies under the current Cross-Guaranty Agreement into a single guaranty obligation of each Clearing Agency, (iii) provide for the netting of guaranty obligations between the Clearing Agencies' in certain instances, (iv) provide for more up-to-date valuations of securities under the Cross-Guaranty Agreement, (v) provide for the Clearing Agency receiving securities in connection with the performance of the other Clearing Agency's guaranty obligation the ability to select the particular securities it receives, (vi) enhance the information sharing between the Clearing Agencies under the Cross-Guaranty Agreement, and (vii) make appropriate conforming and clarifying changes to the Cross-Guaranty Agreement.

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-regulatory-organization-rulemaking/NSCC?file\\_number=SR-NSCC-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/NSCC?file_number=SR-NSCC-2025-001).

#### II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Clearing Agency has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b-4(f)(6)<sup>8</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and Rule 19b-4(f)(6)<sup>10</sup> thereunder.

<sup>7</sup> 15 U.S.C. 78(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b-4(f)(6).

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Clearing Agency to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as

<sup>27</sup> 15 U.S.C. 78f(b)(5).

<sup>28</sup> 15 U.S.C. 78f(b)(7).

<sup>29</sup> The Commission received one comment letter on the proposal that was generally supportive. See Letter from Melody Brand, dated Dec. 16, 2024.

<sup>30</sup> 15 U.S.C. 78s(b)(2).

<sup>31</sup> 17 CFR 200.30-3(a)(12).

A proposed rule change filed under Rule 19b-4(f)(6)<sup>11</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>12</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Clearing Agency has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>13</sup>

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.

#### 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.<sup>14</sup> 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-NSCC-2025-](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NSCC-2025-)

designated by the Commission. The Clearing Agency has satisfied this requirement.

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>14</sup> 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.

001) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-NSCC-2025-001 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-NSCC-2025-001. 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-NSCC-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NSCC-2025-001)). 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-NSCC-2025-001 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01548 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102213; File No. SR-NASDAQ-2025-002]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Establish Fees for Industry Members Related to Reasonably Budgeted CAT Costs of the National Market System Plan Governing the Consolidated Audit Trail for 2025

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in 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 Act<sup>3</sup> and Rule 19b-4(f) thereunder.<sup>4</sup> 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 a rule change to establish fees for Industry Members<sup>5</sup> related to reasonably budgeted CAT costs of the National Market System Plan Governing the Consolidated Audit Trail for 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://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings>, at the principal office of the Exchange, and on the Commission's website at [https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file\\_number=SR-NASDAQ-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-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.<sup>6</sup>

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 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.

<sup>5</sup> An "Industry Member" is defined as "a member of a national securities exchange or a member of a national securities association." See Nasdaq Rule General 7(u); See also Section 1.1 of the CAT NMS Plan. Unless otherwise specified, capitalized terms used in this rule filing are defined as set forth in the CAT NMS Plan and/or the CAT Compliance Rule. See Nasdaq Rule General 7 (Consolidated Audit Trail Compliance).

<sup>6</sup> 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

<sup>15</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

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-NASDAQ-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-2025-002)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–NASDAQ–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–NASDAQ–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-NASDAQ-2025-002](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-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–NASDAQ–2025–002) and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

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inspection and copying at the principal office of SRO.

<sup>7</sup> 17 CFR 200.30–3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102234]

### Order Granting Temporary Conditional Exemptive Relief, Pursuant to Section 36(a)(1) of the Securities Exchange Act of 1934 and Rule 608(e) of Regulation NMS Thereunder, From Certain Requirements of Appendix D, Section 3 of the National Market System Plan Governing the Consolidated Audit Trail

January 17, 2025.

#### I. Introduction

On December 9, 2024,<sup>1</sup> Financial Information Forum (“FIF”) requested that the Securities and Exchange Commission (“Commission” or “SEC”) extend temporary conditional exemptive relief, pursuant to its authority under section 36(a)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)<sup>2</sup> and Rule 608(e) of Regulation NMS under the Exchange Act,<sup>3</sup> related to the requirement set forth in Appendix D, section 3 of the national market system plan governing the consolidated audit trail (“CAT NMS Plan”)<sup>4</sup> that the consolidated audit trail (“CAT”) “must be able to create the lifecycle between . . . [c]ustomer orders to ‘representative’ orders created in firm accounts for the purpose of facilitating a customer order (e.g., linking a customer order handled on a riskless principal basis to the street-side proprietary order).”<sup>5</sup> For the reasons set

<sup>1</sup> See Letter from Howard Meyerson, Managing Director, Financial Information Forum, to Commission, dated Dec. 9, 2024, available at <https://fif.com/index.php/working-groups/category/271-comment-letters?download=3057:fif-request-to-the-commission-for-a-six-month-extension-of-the-current-exemption-relating-to-cat-representative-order-linkage&view=category> (“Request”).

<sup>2</sup> 15 U.S.C. 78mm(a)(1).

<sup>3</sup> 17 CFR 242.608(e).

<sup>4</sup> See Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016) (“CAT NMS Plan Approval Order”). The CAT NMS Plan is Exhibit A to the CAT NMS Plan Approval Order. See *id.* at 84943–85034. The CAT NMS Plan functions as the limited liability company agreement of the jointly owned limited liability company formed under Delaware State law through which the Participants conduct the activities of the CAT (the “Company”). Each Participant is a member of the Company and jointly owns the Company on an equal basis. The Participants submitted to the Commission a proposed amendment to the CAT NMS Plan on Aug. 29, 2019, which they designated as effective on filing. Under the amendment, the limited liability company agreement of a new limited liability company named Consolidated Audit Trail, LLC serves as the CAT NMS Plan, replacing in its entirety the CAT NMS Plan. See Securities Exchange Act Release No. 87149 (Sept. 27, 2019), 84 FR 52905 (Oct. 3, 2019).

<sup>5</sup> See *id.* at Appendix D, section 3. A representative order is an order originated in a firm-owned or -controlled account, including principal, agency average price and omnibus accounts, by an

forth below, the Commission has determined to grant FIF's request for a six-month extension of the temporary conditional exemptive relief previously provided by the Commission with respect to the above-described requirement set forth in Appendix D, section 3 of the CAT NMS Plan for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.

#### II. Discussion of the Request for Relief

On July 18, 2012, the Commission adopted Rule 613 of Regulation NMS, which required national securities exchanges and national securities associations (“Participants”)<sup>6</sup> to jointly develop and submit to the Commission a national market system plan to create, implement, and maintain the CAT.<sup>7</sup> The goal of Rule 613 was to create a modernized audit trail system that would provide regulators with timely access to a comprehensive set of trading data, thus enabling regulators to more efficiently and effectively analyze and reconstruct market events, monitor market behavior, conduct market analysis to support regulatory decisions, and perform surveillance, investigation, and enforcement activities. On November 15, 2016, the Commission approved the national market system plan required by Rule 613—the CAT NMS Plan.<sup>8</sup>

On December 16, 2020, the Commission issued an exemptive relief order regarding the implementation of the CAT NMS Plan (“First Order”).<sup>9</sup> This order granted temporary

industry member for the purpose of working one or more customer or client orders. See, e.g., Securities Exchange Act Release No. 88702 (Apr. 20, 2020), 85 FR 23075, 23076 n.26 (Apr. 24, 2020). FIF states in the Request that “the term ‘representative order’ is a concept created by CAT (it is not a concept that exists in actual trading), and that all of the linkage requirements covered in [the] July 2024 FIF exemption request involve linkage either from or to a representative order.” See Request, *supra* note 1.

<sup>6</sup> The Participants include BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors' Exchange LLC, Long-Term Stock Exchange, Inc., MEMX LLC, Miami International Securities Exchange LLC, MIAX Emerald, LLC, MIAX PEARL, LLC, MIAX Sapphire, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The Nasdaq Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc.

<sup>7</sup> See Securities Exchange Act Release No. 67457 (July 18, 2012), 77 FR 45722 (Aug. 1, 2012); 17 CFR 242.613.

<sup>8</sup> See CAT NMS Plan Approval Order, *supra* note 4.

<sup>9</sup> See Securities Exchange Act Release No. 90688 (Dec. 16, 2020), 85 FR 83634 (Dec. 22, 2020).

conditional exemptive relief from several requirements set forth in the CAT NMS Plan, including the requirement set forth in Appendix D, section 3 of the CAT NMS Plan that the CAT “must be able to create the lifecycle between . . . [c]ustomer orders to ‘representative’ orders created in firm accounts for the purpose of facilitating a customer order (e.g., linking a customer order handled on a riskless principal basis to the street-side proprietary order).”<sup>10</sup> This relief was initially granted until July 31, 2023.<sup>11</sup>

On July 8, 2022, the Commission issued a new exemptive relief order (“Second Order”),<sup>12</sup> which superseded the First Order and modified and/or clarified certain aspects of the First Order. The Second Order granted temporary conditional exemptive relief until July 31, 2024, from the above-described linkage requirement set forth in Appendix D, section 3, “for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.”<sup>13</sup> The Commission subsequently issued an order (“Third Order”), on May 19, 2023, further extending such exemptive relief until January 31, 2025.<sup>14</sup> This relief was superseded by a new order issued by the Commission on November 2, 2023 (“Fourth Order”),<sup>15</sup> which was intended to mirror the temporary conditional exemptive relief granted by the Third Order (and the Second Order) with respect to the requirements set forth in Appendix D, section 3 of the CAT NMS Plan regarding lifecycle linkages between customer orders and representative orders for scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems.<sup>16</sup> The Fourth Order did not extend the

temporary conditional exemptive relief beyond the time period provided by the Third Order.<sup>17</sup>

FIF requests that the Commission extend the previously granted temporary conditional exemptive relief until July 31, 2025.<sup>18</sup>

FIF states that the Participants, at the direction of the Commission, will “remove from the CAT system the ability for industry members to report certain flags on Order Fulfillment events (specifically, the ‘YE’ and ‘YP’ flags) in lieu of reporting linkage to specific representative orders” after January 31, 2025.<sup>19</sup> FIF states that FIF and its members have demonstrated the “ongoing focus of industry members in complying with their CAT reporting obligations” and have devoted “significant resources . . . over many years towards such compliance.”<sup>20</sup> Nevertheless, FIF suggests that it may be difficult or impossible for Industry Members to comply with the requirement to report linkages for certain scenarios, which it states will be required as of February 1, 2025.<sup>21</sup> “In some scenarios,” FIF states that “no representative order exists, and thus it is not possible for industry members to provide the linkage to specific representative orders that will be required as of February 1, 2025.”<sup>22</sup> In other scenarios, FIF states that “industry members do not maintain this linkage in their books and records.”<sup>23</sup> Finally, FIF states that there are scenarios in which “the CAT system does not provide a method to provide linkage to a specific order.”<sup>24</sup>

<sup>17</sup> *Id.*

<sup>18</sup> See Request, *supra* note 1, at 1.

<sup>19</sup> See Request, *supra* note 1, at 1–2 (citing CAT Reporting Technical Specifications for Industry Members, version 4.1.0 r4, dated Oct. 18, 2024, at 367–69, available at [https://catnmsplan.com/sites/default/files/2024-10/10.18.24\\_CAT\\_Reporting\\_Technical\\_Specifications\\_for\\_Industry\\_Members\\_v4.1.0r4\\_CLEAN.pdf](https://catnmsplan.com/sites/default/files/2024-10/10.18.24_CAT_Reporting_Technical_Specifications_for_Industry_Members_v4.1.0r4_CLEAN.pdf)). Contrary to the assertion made by FIF, the Commission has not directed the Participants to remove the “YE” or “YP” flags from the CAT Reporting Technical Specifications for Industry Members by any specific date. Furthermore, and also contrary to the assertion made by FIF in its request, the Commission understands that the “YE” and “YP” flags would continue to be available after Jan. 31, 2025, even in the absence of the temporary conditional exemptive relief granted by the Commission herein.

<sup>20</sup> See Request, *supra* note 1, at 3.

<sup>21</sup> *But see supra* note 19.

<sup>22</sup> See Request, *supra* note 1, at 2.

<sup>23</sup> *Id.*

<sup>24</sup> *Id.* FIF states that these scenarios are more fully described in a previous request for exemptive relief submitted to the Commission. *See id.*; *see also* Letter from Howard Meyerson, Managing Director, FIF, to Commission, dated July 2, 2024, available at <https://fif.com/index.php/working-groups/category/271-comment-letters?download=2962:fif-exemptive-request-letter-to-the-sec-on-representative-order-linkage&start=10&view=category>.

If Industry Members cannot use the “YE” and “YP” flags to report certain trading scenarios and/or must report the information necessary for FINRA CAT to create lifecycle linkages between customer orders and representative orders, FIF states that Industry Members “will be faced with the choice of either (i) submitting large numbers of Order Fulfillment events that the CAT system will reject and that will not be repairable, or (ii) abandoning certain common existing trading workflows.”<sup>25</sup> FIF further states its view of the potential harms that could flow from the expiration of the existing exemptive relief:

For example, it is a common workflow for industry members to trade as a principal against customer orders without the industry member creating a firm order. This workflow will no longer be possible if the flags referenced above are removed from CAT because a firm will not be able to report Order Fulfillments to CAT when the firm fulfills its ‘Manning’ obligation for this workflow. Conversely, if industry members submit large numbers of Order Fulfillments that the CAT system will reject, this will present a significant processing and workflow challenge for the CAT system, the regulators and industry members as large numbers of rejected and unsubmitted CAT events pile-up.<sup>26</sup>

FIF states that its members have further identified for Commission staff, the Participants, and FINRA CAT the “significant challenges with implementing certain CAT linkage requirements relating to representative orders and order fulfillments” in presentations<sup>27</sup> and previous exemptive relief requests that were submitted to the Commission in March 2024 and July 2024.<sup>28</sup> FIF therefore requests an extension of the current exemptive relief to identify long-term reporting solutions for the specific trading scenarios set forth in previous exemptive relief requests.<sup>29</sup>

Section 36(a)(1) of the Exchange Act grants the Commission the authority to “conditionally or unconditionally exempt any person, security, or transaction . . . from any provision or provisions of [the Exchange Act] or of

<sup>25</sup> See Request, *supra* note 1, at 2. These outcomes could occur even if the “YE” and “YP” flags remain available after Jan. 31, 2025, because Industry Members would be required to report the information necessary for FINRA CAT to create lifecycle linkages between customer orders and representative orders in the absence of the temporary conditional exemptive relief granted by the Commission in the past and herein. *See supra* note 19.

<sup>26</sup> *See id.* at 2–3.

<sup>27</sup> See Request, *supra* note 1, at 3 n.10–11 and associated text.

<sup>28</sup> *See id.* at 3–4 n.13–14 and associated text.

<sup>29</sup> *Id.* at 2, 4.

<sup>10</sup> *See id.* at 83636. The Commission stated its understanding that “the Participants do not currently have the ability to create lifecycles in certain representative order scenarios, particularly because of the difficulty of linking representative orders for Industry Members with separate order management systems and execution management systems that do not currently have a systematic or direct link between them.” *Id.*

<sup>11</sup> *Id.*

<sup>12</sup> See Securities Exchange Act Release No. 95234 (July 8, 2022), 87 FR 42247 (July 14, 2022).

<sup>13</sup> *Id.* at 42255–56. The term “Industry Member” is defined as “a member of a national securities exchange or a member of a national securities association.” *See* CAT NMS Plan, *supra* note 4, at section 1.1.

<sup>14</sup> See Securities Exchange Act Release No. 97530 (May 19, 2023), 88 FR 33655 (May 24, 2023).

<sup>15</sup> See Securities Exchange Act Release No. 98848 (Nov. 2, 2023), 88 FR 77128 (Nov. 8, 2023).

<sup>16</sup> *Id.* at 77132.

any rule or regulation thereunder, to the extent that such exemption is necessary or appropriate in the public interest, and is consistent with the protection of investors.”<sup>30</sup> Rule 608(e) of Regulation NMS similarly grants the Commission the authority to “exempt from [Rule 608], either unconditionally or on specified terms and conditions, any self-regulatory organization, member thereof, or specified security, if the Commission determines that such exemption is consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets and the removal of impediments to, and perfection of the mechanisms of, a national market system.”<sup>31</sup>

The Commission agrees that additional time is needed to identify and evaluate appropriate long-term solutions for certain trading scenarios. In developing those solutions, the Commission emphasizes its willingness to consider alternative solutions that achieve the regulatory goals of Rule 613 and the CAT NMS Plan. The Commission therefore determines that the requested extension of the existing exemptive relief is appropriate in the public interest and consistent with the protection of investors under section 36(a)(1) of the Exchange Act, as well as consistent with the public interest, the protection of investors, the maintenance of fair and orderly markets, and the perfection of the mechanisms of a national market system under Rule 608(e) of Regulation NMS.

Specifically, the Commission grants temporary conditional exemptive relief from the requirements set forth in Appendix D, section 3 of the CAT NMS Plan related to lifecycle linkages between customer orders and representative orders,<sup>32</sup> for representative order scenarios in which Industry Members do not have a systematic or direct link between their order management systems and execution management systems, until July 31, 2025. Such relief is intended to mirror the exemptive relief provided by the Second Order, the Third Order, and the Fourth Order.

### III. Conclusion

Accordingly, *it is hereby ordered*, pursuant to Section 36(a)(1) of the Exchange Act<sup>33</sup> and Rule 608(e) under

the Exchange Act,<sup>34</sup> that the above-described temporary conditional exemptive relief be granted.

By the Commission.  
**Sherry R. Haywood**,  
*Assistant Secretary*.  
 [FR Doc. 2025–01613 Filed 1–22–25; 8:45 am]  
**BILLING CODE 8011–01–P**

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102218; File No. SR–DTC–2025–001]

### Self-Regulatory Organizations; The Depository Trust Company; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend and Restate the Second Amended and Restated Netting Contract and Limited Cross-Guaranty Between NSCC and DTC

January 16, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on January 2, 2025, The Depository Trust Company (“DTC”) 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 clearing agency. DTC filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Exchange Act<sup>3</sup> and Rule 19b–4(f)(6) thereunder.<sup>4</sup> 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 purpose of this proposed rule change<sup>5</sup> is to amend and restate the Second Amended and Restated Netting Contract and Limited Cross-Guaranty, dated as of October 1, 2002, between NSCC and DTC (the “Cross-Guaranty Agreement”).<sup>6</sup> As part of the proposed

amendment and restatement of the Cross-Guaranty Agreement, NSCC and DTC (each, a “Clearing Agency,” and together, the “Clearing Agencies”) propose to enter into a Third Amended and Restated Netting Contract and Limited Cross-Guaranty. The proposed changes would amend and restate the Cross-Guaranty Agreement to (i) revise the description of the Clearing Agencies’ cross-endorsement procedures to better reflect current practices of the Clearing Agencies, (ii) simplify and consolidate the liquidity and guaranty obligations of the Clearing Agencies under the current Cross-Guaranty Agreement into a single guaranty obligation of each Clearing Agency, (iii) provide for the netting of guaranty obligations between the Clearing Agencies’ in certain instances, (iv) provide for more up-to-date valuations of securities under the Cross-Guaranty Agreement, (v) provide for the Clearing Agency receiving securities in connection with the performance of the other Clearing Agency’s guaranty obligation the ability to select the particular securities it receives, (vi) enhance the information sharing between the Clearing Agencies under the Cross-Guaranty Agreement, and (vii) make appropriate conforming and clarifying changes to the Cross-Guaranty Agreement.

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-regulatory-organization-rulemaking/dtc?file\\_number=SR-DTC-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/dtc?file_number=SR-DTC-2025-001).

#### II. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Clearing Agency has filed the proposed rule change pursuant to Section 19(b)(3)(A) of the Act<sup>7</sup> and Rule 19b–4(f)(6)<sup>8</sup> thereunder. Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; or (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the

(DTC Rule 1, Definitions; Governing Law, *supra* note 5) and is subject to, *inter alia*, Rule 9(E) of the DTC Rules (DTC Rule 9(E), Clearing Agency Agreements, *supra* note 5), and (ii) is a Clearing Agency Cross-Guaranty Agreement as defined in the NSCC Rules (NSCC Rule 1, Definitions and Descriptions, *supra* note 5) and is subject to, *inter alia*, Rule 25 of the NSCC Rules (NSCC Rule 25, Cross-Guaranty Obligation, *supra* note 5).

<sup>7</sup> 15 U.S.C. 78(b)(3)(A).

<sup>8</sup> 17 CFR 240.19b–4(f)(6).

<sup>34</sup> 17 CFR 242.608(e).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>3</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>4</sup> 17 CFR 240.19b–4(f)(6).

<sup>5</sup> Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (“DTC Rules”) or the National Securities Clearing Corporation (“NSCC”) Rules & Procedures (“NSCC Rules”), available at <https://www.dtcc.com/legal/rules-and-procedures>, or the Second Amended and Restated Netting Contract and Limited Cross-Guaranty, dated as of October 1, 2002, between NSCC and DTC, as applicable.

<sup>6</sup> The Cross-Guaranty Agreement (i) is a Clearing Agency Agreement as defined in the DTC Rules

<sup>30</sup> 15 U.S.C. 78mm(a)(1).

<sup>31</sup> 17 CFR 242.608(e).

<sup>32</sup> The requirements related to lifecycle linkages between customer orders and representative orders set forth in Appendix D, section 3 of the CAT NMS Plan are described in the Second Order. See Second Order, *supra* note 12, at 42255–56.

<sup>33</sup> 15 U.S.C. 78mm(a)(1).

Commission may designate, it has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>9</sup> and Rule 19b-4(f)(6)<sup>10</sup> thereunder.

A proposed rule change filed under Rule 19b-4(f)(6)<sup>11</sup> normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b-4(f)(6)(iii),<sup>12</sup> the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Clearing Agency has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission designates the proposed rule change to be operative upon filing.<sup>13</sup>

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.

### III. 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.<sup>14</sup>

<sup>9</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>10</sup> 17 CFR 240.19b-4(f)(6). In addition, Rule 19b-4(f)(6)(iii) requires the Clearing Agency to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Clearing Agency has satisfied this requirement.

<sup>11</sup> 17 CFR 240.19b-4(f)(6).

<sup>12</sup> 17 CFR 240.19b-4(f)(6)(iii).

<sup>13</sup> For purposes only of waiving the 30-day operative delay, the Commission also has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>14</sup> 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

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-DTC-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-DTC-2025-001)) or by sending an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-DTC-2025-001 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-DTC-2025-001. 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-DTC-2025-001](https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-DTC-2025-001)). 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-DTC-2025-001 and should be submitted on or before February 13, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>15</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2025-01547 Filed 1-22-25; 8:45 am]

**BILLING CODE 8011-01-P**

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.

<sup>15</sup> 17 CFR 200.30-3(a)(12).

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-102245; File No. SR-NASDAQ-2024-045]

### Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change To Modify the Application of the Minimum Bid Price Compliance Periods and the Delisting Appeals Process for Bid Price Non-Compliance in Listing Rules 5810 and 5815 Under Certain Circumstances

January 17, 2025.

#### I. Introduction

On August 6, 2024, The Nasdaq Stock Market LLC ("Nasdaq" or "Exchange") filed with the Securities and Exchange Commission ("Commission"), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Exchange Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to modify the application of the minimum bid price compliance periods and the delisting appeals process for bid price non-compliance in Nasdaq Rules 5810 and 5815 under certain circumstances. The proposed rule change was published for comment in the **Federal Register** on August 23, 2024.<sup>3</sup> On October 3, 2024, pursuant to Section 19(b)(2) of the Exchange Act,<sup>4</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change.<sup>5</sup> On November 20, 2024, the Commission initiated proceedings under Section 19(b)(2)(B) of the Exchange Act<sup>6</sup> to determine whether to approve or disapprove the proposed rule change.<sup>7</sup>

This order approves the proposed rule change.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> See Securities Exchange Act Release No. 100767 (Aug. 19, 2024), 89 FR 68228 ("Notice"). Comments received on the Notice are available on the Commission's website at: <https://www.sec.gov/comments/sr-nasdaq-2024-045/srnasdaq2024045.htm>.

<sup>4</sup> 15 U.S.C. 78s(b)(2).

<sup>5</sup> See Securities Exchange Act Release No. 101238, 89 FR 81956 (Oct. 9, 2024) (designating November 21, 2024, as the date by which the Commission shall either approve, disapprove, or institute proceedings to determine whether to disapprove the proposed rule change) ("Notice of Extension").

<sup>6</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>7</sup> See Securities Exchange Act Release No. 101662, 89 FR 93369 (Nov. 26, 2024) ("Order Instituting Proceedings").

## II. Description of the Proposed Rule Change<sup>8</sup>

### A. Background

Nasdaq Rules require a company's equity securities listed on the Nasdaq Global Select Market, Nasdaq Global Market, and Nasdaq Capital Market to maintain a minimum bid price of at least one dollar per share (the "Bid Price Requirement").<sup>9</sup> Upon failure of a company's security to satisfy the Bid Price Requirement, Nasdaq Rule 5810(c)(3)(A) provides for an automatic compliance period of 180 calendar days from the date Nasdaq notifies the company of the deficiency for the company to achieve compliance with the Bid Price Requirement.<sup>10</sup> Subject to certain requirements,<sup>11</sup> including notifying Nasdaq of the company's intent to cure this deficiency, a company listed on, or that transfers to, the Nasdaq Capital Market may be provided with a second 180-day compliance period.<sup>12</sup> If a company is not eligible for the second compliance period, or the company is eligible but does not resolve the bid price deficiency during the second 180-day compliance

<sup>8</sup> All capitalized terms not otherwise defined in this order shall have the meanings set forth in the Nasdaq Listing Rules.

<sup>9</sup> See Nasdaq Rules 5550(a)(2) (Primary Equity Security listed on the Nasdaq Capital Market), 5555(a)(1) (Preferred Stock and Secondary Classes of Common Stock listed on the Nasdaq Capital Market), 5450(a)(1) (Primary Equity Security listed on the Nasdaq Global or Global Select Markets), and 5460(a)(3) (Preferred Stock and Secondary Classes of Common Stock listed on the Nasdaq Global or Global Select Markets).

<sup>10</sup> A failure to meet the Bid Price Requirement occurs when a company's security has a closing bid price below \$1.00 for a period of 30 consecutive business days. See Nasdaq Rule 5810(c)(3)(A). Compliance can be achieved by meeting the Bid Price Requirement for a minimum of 10 consecutive business days during the applicable compliance period, unless Staff exercises its discretion to extend this 10-day period as discussed in Nasdaq Rule 5810(c)(3)(H). See *id.*

<sup>11</sup> If a company listed on the Nasdaq Capital Market is not deemed in compliance before the expiration of the 180-day compliance period, it will be afforded an additional 180-day compliance period, provided that on the 180th day of the first compliance period it meets the applicable market value of publicly held shares requirement for continued listing and all other applicable standards for initial listing on the Nasdaq Capital Market (except the bid price requirement) based on the company's most recent public filings and market information and notifies Nasdaq of its intent to cure this deficiency. See Nasdaq Rule 5810(c)(3)(A)(ii). If a company does not indicate its intent to cure the deficiency, or if it does not appear to Nasdaq that it is possible for the company to cure the deficiency, the company will not be eligible for the second compliance period. See *id.* If the company has publicly announced information (*e.g.*, in an earnings release) indicating that it no longer satisfies the applicable listing criteria, it will not be eligible for the additional compliance period under this rule. See *id.*

<sup>12</sup> See *id.*

period, the company is issued a Delisting Determination under Nasdaq Rule 5810 with respect to that security, which can be appealed to a Nasdaq Listing Qualifications Hearings Panel ("Hearings Panel").<sup>13</sup> A timely request for a hearing ordinarily stays the suspension of the security from trading pending the issuance of a written Hearings Panel decision.<sup>14</sup> The Hearings Panel may, where it deems appropriate, grant an exception to the Bid Price Requirement and allow a company up to an additional 180 days from the date of the Delisting Determination to regain compliance.<sup>15</sup> As a result, a company may be continuously deficient with the Bid Price Requirement and continue trading on Nasdaq for more than 360 days but not more than 540 days.<sup>16</sup>

The Nasdaq Rules set forth the circumstances that can curtail or alter the bid price compliance periods. First, Nasdaq Rule 5810(c)(3)(A)(iii) provides that if a company's security has a closing bid price of \$0.10 or less for 10 consecutive trading days during any bid price compliance period, Nasdaq must issue a Delisting Determination with respect to that security. Second, Nasdaq Rule 5810(c)(3)(A)(iv) provides that if a company's security fails to meet the Bid Price Requirement and the company has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 250 shares or more to one, then the company is not eligible for any compliance periods and Nasdaq must issue a Delisting Determination with respect to that security. Finally, Nasdaq Rule 5810(c)(3)(A) provides that if a company takes a corporate action (*e.g.*, a reverse stock split) to regain compliance with the Bid Price Requirement and that action results in the company's security falling below the numeric threshold for another Exchange listing requirement, the company will not be granted any compliance period otherwise available for the other listing requirement. In such case, the company will continue to be considered non-compliant with the Bid Price Requirement until the deficiency pertaining to the other listing requirement is cured and thereafter the company meets the Bid Price Requirement. If the company does not regain compliance with both Exchange listing requirements during the compliance period applicable to the initial Bid Price Requirement deficiency, Nasdaq must issue a

<sup>13</sup> See Nasdaq Rule 5815 (Review of Staff Determinations by Hearings Panel).

<sup>14</sup> See Nasdaq Rule 5815(a)(1)(B).

<sup>15</sup> See Nasdaq Rule 5815(c)(1)(A).

<sup>16</sup> See Notice, *supra* note 3, at 68229.

Delisting Determination and no additional compliance periods will be available.

Based on the Exchange's experience administering the rules described above, it is proposing two modifications to the delisting process in Nasdaq Rules 5810 and 5815. These proposed changes are described in more detail below.

### B. Suspension After Second Compliance Period

First, the Exchange proposes to adopt Nasdaq Rule 5815(a)(1)(B)(ii)d. ("Appeal Process Proposal") to provide that, notwithstanding the general rule that a timely request for a hearing shall ordinarily stay the suspension and delisting action pending the issuance of a written Hearings Panel decision, a request for a hearing shall not stay the suspension of the securities from trading where the matter relates to a request made by a company that was afforded the second 180-day compliance period described in Nasdaq Rule 5810(c)(3)(A)(ii) and that failed to regain compliance with the Bid Price Requirement during that period.<sup>17</sup> The Exchange states that pursuant to Nasdaq Rule 5815(c)(1)(A), the Hearings Panel will continue to have discretion, where it deems appropriate, to provide an exception for up to 180 days from the Delisting Determination date for the company to regain compliance with the Bid Price Requirement.<sup>18</sup>

The Exchange also proposes to clarify in proposed Nasdaq Rule 5815(a)(1)(B)(ii)d. that, pursuant to Nasdaq Rule 5810(c)(3)(A), a company achieves compliance with the Bid Price Requirement by meeting the applicable standard for a minimum of 10 consecutive business days, unless Staff exercises its discretion to extend this 10-day period as set forth in Nasdaq Rule 5810(c)(3)(H).<sup>19</sup>

The Exchange states in its proposal that it believes that two consecutive compliance periods for a total of 360 days is a sufficient period of time for a company to regain compliance with the

<sup>17</sup> See proposed Nasdaq Rule 5815(a)(1)(B)(ii)d. The Exchange states that a company that is suspended under the proposed rule could appeal the Delisting Determination to a Hearings Panel, but its securities would trade in the over-the-counter ("OTC") market while that appeal is pending. See Notice, *supra* note 3, at 68229.

<sup>18</sup> See Notice, *supra* note 3, at 68229. The Exchange also states that, pursuant to Nasdaq Rule 5815(c)(1)(E), the Hearings Panel will continue to have the authority to find the company in compliance with all applicable listing standards and reinstate the trading of the company's securities on Nasdaq (*e.g.*, if the company effects a reverse stock split and maintains a \$1.00 closing bid price for at least 10 consecutive days while trading in the OTC market). See *id.*

<sup>19</sup> See proposed Nasdaq Rule 5815(a)(1)(B)(ii)d.

Bid Price Requirement.<sup>20</sup> Nasdaq states that it provides a company with a second bid price compliance period only if the company reviewed its circumstances and notified Nasdaq that it intends to cure the bid price deficiency by effecting a reverse stock split within the second 180-day compliance period.<sup>21</sup> As such, the Exchange states that it believes it is not appropriate for a company in these circumstances to continue trading on Nasdaq during the pendency of the Hearings Panel review process.<sup>22</sup>

### C. Delisting Determination if Failure To Meet Bid Price Requirement Occurs Within One Year After Reverse Stock Split

Second, the Exchange proposes to amend Nasdaq Rule 5810(c)(3)(A)(iv) to provide that if a company's security fails to meet the Bid Price Requirement and the company has effected a reverse stock split over the prior one-year period, then the company shall not be eligible for any compliance period specified in Nasdaq Rule 5810(c)(3)(A) and the Listing Qualifications Department shall issue a Delisting Determination under Rule 5810 with respect to that security ("Prior Reverse Split Proposal").<sup>23</sup> The Exchange states that this proposed change will apply to a company even if the company was in compliance with the Bid Price Requirement at the time of its prior reverse stock split.<sup>24</sup>

The Exchange states that it has observed that some companies, typically those in financial distress or experiencing a prolonged operational downturn, engage in a pattern of repeated reverse stock splits to regain compliance with the Bid Price Requirement.<sup>25</sup> The Exchange states that it believes that such actions are often indicative of serious difficulties within such companies and, generally, are not

temporary such that the company is not likely to regain compliance in a manner consistent with the Bid Price Requirement within the prescribed compliance periods described above.<sup>26</sup> Accordingly, the Exchange states that it believes it is appropriate for investor protection reasons that such companies be immediately subject to the delisting process, rather than being provided a 180-day compliance period pursuant to Nasdaq Rule 5810.<sup>27</sup>

### III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange.<sup>28</sup> In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Exchange Act,<sup>29</sup> which requires, among other things, 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 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, and not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers; and with Section 6(b)(7) of the Exchange Act,<sup>30</sup> which requires, among other things, that the rules of a national securities exchange provide a fair procedure for the prohibition or limitation by the exchange of any person with respect to access to services offered by the exchange.

The development and enforcement of meaningful listing standards<sup>31</sup> for an exchange is of critical importance to financial markets and the investing public. Among other things, such listing standards help ensure that exchange-listed companies will have sufficient public float, investor base, and trading

interest to provide the depth and liquidity to promote fair and orderly markets. Meaningful listing standards also are important given investor expectations regarding the nature of securities that have achieved an exchange listing, and the role of an exchange in overseeing its market and assuring compliance with its listing standards.<sup>32</sup>

As discussed above, currently, if a company whose security has failed to meet the Bid Price Requirement for one or two compliance periods timely appeals its Delisting Determination to the Hearings Panel, the trading suspension of that security is stayed during the pendency of the Hearings Panel review.<sup>33</sup> The Exchange now proposes that those securities that were afforded, and that failed to meet the Bid Price Requirement during, the second compliance period would not receive a stay of suspension upon appeal.<sup>34</sup> In addition, the Exchange proposes that a company whose security fails to meet the Bid Price Requirement and that has effected a reverse stock split of any ratio within the prior year will not be eligible for any compliance periods.<sup>35</sup> This latter proposal could lead to the earlier delisting of companies that fail to comply with the Bid Price Requirement.

Some comments received on the proposal were generally supportive of

<sup>32</sup> See, e.g., Securities Exchange Act Release Nos. 101271 (Oct. 7, 2024), 89 FR 82652, 82653 n.23 and accompanying text (Oct. 11, 2024) (SR-NASDAQ-2024-029) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Modify the Application of Bid Price Compliance Periods); 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR-NASDAQ-2020-001) (Order Approving a Proposed Rule Change To Modify the Delisting Process for Securities With a Bid Price at or Below \$0.10 and for Securities That Have Had One or More Reverse Stock Splits With a Cumulative Ratio of 250 Shares or More to One Over the Prior Two-Year Period); 88389 (Mar. 16, 2020), 85 FR 16163 (Mar. 20, 2020) (SR-NASDAQ-2019-089) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend Rule 5815 To Preclude Stay During Hearing Panel Review of Staff Delisting Determinations in Certain Circumstances). See also Securities Exchange Act Release No. 81856 (Oct. 11, 2017), 82 FR 48296, 48298 (Oct. 17, 2017) (SR-NYSE-2017-31) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, To Amend the Listed Company Manual To Adopt Initial and Continued Listing Standards for Subscription Receipts) (stating that "[a]dequate standards are especially important given the expectations of investors regarding exchange trading and the imprimatur of listing on a particular market" and that "[o]nce a security has been approved for initial listing, maintenance criteria allow an exchange to monitor the status and trading characteristics of that issue . . . so that fair and orderly markets can be maintained.").

<sup>33</sup> See *supra* note 14.

<sup>34</sup> See proposed Nasdaq Rule 5815(a)(1)(B)(ii)d.

<sup>35</sup> See proposed Nasdaq Rule 5810(c)(3)(A)(iv).

<sup>20</sup> See Notice, *supra* note 3, at 68229. The Exchange states that it has observed that some companies do not regain compliance during the second 180-day compliance period notwithstanding the company's notification to Nasdaq of its intent to do so. See *id.* at 68228. The Exchange states that, in these circumstances, Nasdaq issues a Delisting Determination; however, as described above, the company could continue its listing by appealing that decision to a Hearings Panel, which has the discretion to provide up to 180 additional days from the date of the Delisting Determination. See *id.* at 68228–29.

<sup>21</sup> See *id.* at 68229.

<sup>22</sup> The Exchange states that if a company was not afforded the second 180-day compliance period, the company would not be affected by this proposal and its security would not be suspended from trading on Nasdaq during an appeal to the Hearings Panel, if any. See *id.* at 68228 n.8.

<sup>23</sup> See *id.* at 68229.

<sup>24</sup> See *id.* at 68229 n.10.

<sup>25</sup> See *id.* at 68229.

<sup>26</sup> See *id.* The Exchange further states that companies facing these challenges "will continue oscillating between compliance and non-compliance with the Bid Price Requirement." *Id.*

<sup>27</sup> See *id.* The Exchange states that a company could appeal the Delisting Determination to the Hearings Panel, where it could receive up to 180 days to regain compliance, as described above. See *id.*

<sup>28</sup> In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. See 15 U.S.C. 78c(f).

<sup>29</sup> 15 U.S.C. 78f(b)(5).

<sup>30</sup> 15 U.S.C. 78f(b)(7).

<sup>31</sup> The Commission notes that this reference to "listing standards" is referring to both initial and continued listing standards.

the goals behind Nasdaq's proposal.<sup>36</sup> One of the commenters stated that the proposal is a "carefully crafted crucial step in safeguarding the interests of retail investors and maintaining the integrity of our capital markets."<sup>37</sup> Some other of these commenters supported the proposal as a "step in the right direction," though they stated the proposal does not go far enough to address concerns with exchanges' listing standards related to minimum bid price requirements and the process for enforcing such standards.<sup>38</sup> Another commenter, while generally supporting the proposal, expressed concern that the Prior Reverse Split Proposal would not take into consideration the ratio of the prior reverse stock split or whether the security was in compliance with the Bid Price Requirement at the time of the reverse split.<sup>39</sup>

Some commenters opposed the Prior Reverse Split Proposal but also stated that they did not object to the Appeal Process Proposal.<sup>40</sup> These commenters

<sup>36</sup> See Letters from Jennifer Becker, dated Aug. 28, 2024 ("Becker Letter"); Christopher A. Iacovella, President and Chief Executive Officer, American Securities Association, Stephen Hall, Legal Director, Better Markets, Tyler Gellasch, President and CEO, Healthy Markets Association, John Ramsay, Chief Market Policy Officer, Investors Exchange LLC, and Joseph Saluzzi, Partner, Themis Trading LLC, dated Aug. 23, 2024 ("Joint Industry Letter"); American Consumer & Investor Institute, dated Sept. 13, 2024 ("ACII Letter"); Daniel Zinn, General Counsel, and Flavia Vehbiu, Deputy General Counsel, OTC Markets Group Inc., dated Sept. 17, 2024 ("OTC Letter"); Anonymous, dated Sept. 10, 2024 ("Anonymous Letter"); Ellen Greene, Managing Director, Equities & Options Market Structure, and Joseph Corcoran, Managing Director and Associate General Counsel, Securities Industry and Financial Markets Association, dated Oct. 8, 2024 ("SIFMA Letter"); Aleksei Nikolaev, dated Nov. 26, 2024.

<sup>37</sup> Becker Letter.

<sup>38</sup> See Joint Industry Letter; ACII Letter; OTC Letter; SIFMA Letter. Some of these commenters recommended further changes to Nasdaq's rules as well as supporting recommendations made in the Petition for Rulemaking on Exchange Listings of Penny Stocks filed with the Commission by Virtu Financial, Inc., dated July 15, 2024. These additional recommendations are not before the Commission in the Nasdaq proposal being considered herein. In approving this proposal, the Commission is finding the proposal before us is consistent with the Exchange Act.

<sup>39</sup> See Anonymous Letter.

<sup>40</sup> See Letters from Seth Lederman, Tonix Pharmaceuticals Holding Corp., dated Nov. 14, 2024 ("Tonix Letter"); Faith L. Charles, Thompson Hine, dated Nov. 20, 2024 ("Thompson Hine Letter"). One of the commenters stated that the Commission should consider providing the market additional time to "absorb the effects" of recent Nasdaq proposals to enhance transparency and compliance with Exchange listing requirements in connection with reverse stock splits before approving another related rule. See Tonix Letter at 6 (citing to Securities Exchange Act Release Nos. 88716 (Apr. 21, 2020), 85 FR 23393 (Apr. 27, 2020) (SR-NASDAQ-2020-001) (Order Approving a Proposed Rule Change To Modify the Delisting Process for Securities With a Bid Price at or Below

stated that the Prior Reverse Split Proposal could negatively impact access to capital for a segment of Nasdaq-listed small companies, particularly biotechnology companies, and incentivize trading strategies by short sellers, including "naked" short sellers, to manipulate downward such company's stock price.<sup>41</sup> One of these commenters stated that other factors beyond "deep financial or operational distress" contribute to the need for reverse stock splits by these issuers, stating that certain biotechnology companies often depend on "frequent capital raises" and "are subject to volatile stock prices" that have a "negative impact on an issuer's trading price not often reflective of the issuer's value or suitability as an investment."<sup>42</sup> This commenter also stated that the Prior Reverse Split Proposal could have a detrimental effect on how companies administer and plan for reverse stock splits, particularly as a company's stock price approaches noncompliance with the Bid Price Requirement.<sup>43</sup>

Finally, some commenters opposed the proposed rule change based on an incorrect understanding of the proposed rule change.<sup>44</sup> In particular, these

\$0.10 and for Securities That Have Had One or More Reverse Stock Splits With a Cumulative Ratio of 250 Shares or More to One Over the Prior Two-Year Period); 98843 (Nov. 1, 2023), 88 FR 76867 (Nov. 7, 2023) (SR-NASDAQ-2023-025) (Order Approving a Proposed Rule Change Related to Notification and Disclosure of Reverse Stock Splits); 101271 (Oct. 7, 2024), 89 FR 82652 (Oct. 11, 2024) (SR-NASDAQ-2024-029) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, To Modify the Application of Bid Price Compliance)). The Commission has provided the public with multiple opportunities to comment on the current proposed rule change through a Notice of Extension and an Order Instituting Proceedings and for the reasons discussed herein finds the proposal consistent with the Exchange Act.

<sup>41</sup> See Tonix Letter; Thompson Hine Letter.

<sup>42</sup> Thompson Hine Letter at 1. See also Tonix Letter at 5 (stating that "further study is required to determine whether" factors like "deep financial or operational distress" is the reason behind "all or even most reverse splits").

<sup>43</sup> See Thompson Hine Letter at 2-3 (stating that the Prior Reverse Split Proposal could cause affected companies to "select large reverse split ratios that may cause issues to their capitalization" and "continually approve reverse stock split ratios at annual shareholder meetings" to preemptively avoid a Delisting Determination due to noncompliance with the Bid Price Requirement). This commenter also proposed that the Exchange adopt a single 180-day compliance period to companies that violate the Bid Price Requirement within a year of a reverse stock split. See *id.* at 3. While this commenter suggests an alternative that is different from Nasdaq's proposal, for the reasons discussed herein, the Commission finds that Nasdaq's proposal is consistent with these Exchange Act standards and, therefore, should be approved.

<sup>44</sup> See Letter from Taft Stettinius & Hollister LLP, dated Dec. 31, 2024 ("Taft Letter"); Thompson Hine Letter at 2. These commenters also incorrectly

commenters raised concerns that the "certainty" of delisting brought about by the proposed rule change would incentivize manipulative short-selling activities, undermine the interest of Exchange-listed companies, and encourage issuer misconduct to avoid delisting.<sup>45</sup> To the contrary, the proposal would not affect companies' right to appeal a Delisting Determination to the Hearings Panel and therefore whether companies' securities would ultimately be delisted is not a certainty.<sup>46</sup>

The Exchange's proposal is reasonably designed to enhance its continued listing standards, thereby protecting investors and the public interest. The Appeal Process Proposal prohibits continued trading of a company's securities on the Exchange during the pendency of a delisting appeal when a company has not maintained the Exchange's Bid Price Requirement for 360 days. It applies only to companies that have notified the Exchange of their intent to cure the bid price deficiency during the second 180-day compliance period and that therefore receive a second compliance period (for a total of 360 days) and yet still fail to meet the Bid Price Requirement.<sup>47</sup> In such cases, it is consistent with investor protection to prohibit such companies from continuing to trade on the Exchange during any appeal of delisting when they have already failed to cure a bid price deficiency for 360 days.<sup>48</sup>

stated that a company fails to meet the continued listing standard for the Bid Price Requirement if "the stock has closed at less than \$1.00 for ten consecutive trading days." Taft Letter at 1; Thompson Hine Letter at 1. Pursuant to Nasdaq Rule 5810(c)(3)(A), a failure to meet the Bid Price Requirement occurs when a company's security has a closing bid price below \$1.00 for a period of 30 consecutive business days. See *supra* note 10. See also Nasdaq Rule 5810(c)(3)(A)(iii) (stating that if during any compliance period specified in Nasdaq Rule 5810(c)(3)(A) a company's security has a closing bid price of \$0.10 or less for 10 consecutive trading days, the Listings Qualifications Department will issue a Delisting Determination with respect to that security).

<sup>45</sup> See Taft Letter at 3-6; Thompson Hine Letter at 2 (stating that "[o]nce a company has conducted a reverse stock split, short-sellers will be encouraged to cause a company to fall out of compliance with the Nasdaq bid price requirements" and "[t]he certainty of a delisting gives a clear indicator to these short sellers that a delisting will occur, as opposed to now, when a company can plead a its case to Nasdaq and Nasdaq can still make a facts and circumstance determination as to the timing of a company's potential delisting.").

<sup>46</sup> See Nasdaq Rule 5815. See also *infra* notes 70-71 and accompanying text (describing Commission and the Financial Industry Regulatory Authority, Inc. ("FINRA") rules to regulate short selling).

<sup>47</sup> See *supra* note 22.

<sup>48</sup> See *In re Tassaway*, Securities Exchange Act Release No. 11291, 45 SEC. 706, 709, 1975 SEC

Commenters generally did not express opposition to this aspect of the proposal. One commenter opposed the Appeal Process Proposal stating the proposal “eliminates the ability for registrants to appeal delisting decisions while still operating on the exchange” and that “many of these registrants may only need a brief period to regain compliance with the Minimum Bid Price Requirement.”<sup>49</sup> However, as stated above, the Appeal Process Proposal only applies to companies that have failed to cure a bid price deficiency after the first two 180-day compliance periods, totaling 360 days provided to a company to comply. In addition, affected companies, while their securities will not trade on the Exchange during the pendency of an appeal, will still be able to seek review of their Delisting Determinations from the Hearings Panel in accordance with Nasdaq Rule 5815.<sup>50</sup>

The Prior Reverse Split Proposal is reasonably designed to curtail the use of reverse stock splits to inappropriately delay delisting when a security fails to meet the Bid Price Requirement. A commenter expressed concern that the Prior Reverse Split Proposal does not take into consideration the ratio of the prior reverse stock split.<sup>51</sup> However, as the Exchange discussed in the Notice and in a response to the commenter,<sup>52</sup> the Exchange already has a rule that takes into account the cumulative ratio of prior reverse stock splits.<sup>53</sup> Yet since that rule’s adoption, the Exchange has continued to observe some companies engaging in a pattern of effecting consecutive reverse stock splits, which are often accompanied by dilutive issuances of securities and which potentially cause investor confusion and operational difficulties for market participants.<sup>54</sup>

LEXIS 2057, at 6 (Mar. 13, 1975) (“[P]rimary emphasis must be placed on the interests of prospective future investors . . . [who are] entitled to assume that the securities in [Nasdaq] meet [Nasdaq’s] standards. Hence the presence in [Nasdaq] of non-complying securities could have a serious deceptive effect.”).

<sup>49</sup> Taft Letter at 5.

<sup>50</sup> See *supra* note 22. See also Nasdaq Rule 5815.

<sup>51</sup> See Anonymous Letter.

<sup>52</sup> See Letter from Arnold Golub, Vice President, Deputy General Counsel, Nasdaq, dated Oct. 5, 2024 (“Nasdaq Response Letter”).

<sup>53</sup> As described above, Nasdaq Rule 5810(c)(3)(A)(iv) provides that if a company’s security fails to meet the Bid Price Requirement and the company has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 250 shares or more to one, then the company is not eligible for any compliance periods and Nasdaq must issue a Delisting Determination with respect to that security.

<sup>54</sup> See Notice, *supra* note 3, at 68229; Nasdaq Response Letter at 2–3.

The commenter also expressed concern that the Prior Reverse Split Proposal does not take into consideration whether a security was in compliance with the Bid Price Requirement at the time of the reverse split.<sup>55</sup> In response, Nasdaq stated that, regardless of the reason for the reverse split, a company can control the ratio of the split and choose a sufficiently high ratio to remain in compliance with the Bid Price Requirement for at least one year post-reverse split.<sup>56</sup> Where the company does not choose a sufficiently high ratio, and therefore becomes non-compliant within one year, Nasdaq stated that the resulting pattern of repeated reverse splits is often indicative of deep financial or operational distress that renders the company inappropriate for trading on Nasdaq for investor protection reasons.<sup>57</sup> Nasdaq further stated that this pattern creates the same investor confusion and operational difficulties regardless of whether the company was previously non-compliant, and thus that the rationale for the Prior Reverse Split Proposal remains the same regardless of whether the company was in compliance with the Bid Price Requirement at the time of the reverse split.<sup>58</sup>

The Commission finds that it is reasonable that the Prior Reverse Split Proposal is not based on the security’s compliance with the Bid Price Requirement at the time of the reverse split. The Exchange can reasonably conclude from its experience that a company’s inability to maintain compliance with the Bid Price Requirement for at least one year post-reverse split—regardless of its security’s compliance at the time of the reverse split—is indicative of serious difficulties within such company that are likely to put continued downward pressure on the stock price, such that the company is less likely to regain compliance within any compliance

<sup>55</sup> See Anonymous Letter.

<sup>56</sup> See Nasdaq Response Letter at 3. In some cases, the share reduction caused by the reverse stock split results in a proportional reduction in the number of Publicly Held Shares and, depending on how fractional shares are treated, may also reduce the number of holders of the company’s securities. As such, a reverse stock split used to regain compliance with the Bid Price Requirement may result in the company’s non-compliance with other Exchange listing rules that require a certain number of holders and Publicly Held Shares. See Securities Exchange Act Release No. 101271 (Oct. 7, 2024), 89 FR 82652, 82652 (Oct. 11, 2024) (SR–NASDAQ–2024–029) (Order Granting Approval of a Proposed Rule Change, as Modified by Amendment No. 2, to Modify the Application of Bid Price Compliance Periods).

<sup>57</sup> See Nasdaq Response Letter at 3.

<sup>58</sup> See *id.*

periods. In this respect, the Prior Reverse Split Proposal is appropriately targeted to those securities that are more likely to have serious recurrent issues in regaining and maintaining compliance with the Bid Price Requirement.<sup>59</sup> Moreover, as with the Appeal Process Proposal, any affected companies would be able to seek review of their Delisting Determinations from the Hearings Panel.<sup>60</sup>

The Exchange’s proposal is reasonably designed to further investor protection by limiting the ability of listed companies to engage in a pattern of repeated reverse stock splits to remain qualified for listing. The Exchange states that it is appropriate to subject such securities to heightened scrutiny because, as the Exchange stated in its proposal,<sup>61</sup> such securities may have similar characteristics to penny stocks and yet, because they are listed on the Exchange, are exempt from the Penny Stock Rules, which provide enhanced investor protections, among other things, to prevent fraud and safeguard against potential market manipulation.<sup>62</sup> In addition, the Exchange states that it has observed that the challenges facing such companies generally are not temporary and may be so severe that the companies are not likely to regain compliance within the prescribed compliance period.<sup>63</sup> The Exchange also states that the price concerns with such companies can be a leading indicator of other listing

<sup>59</sup> Nasdaq stated that companies may also reverse split their stock for reasons such as “to attract institutional investors and lower transaction costs for investors, however these companies are less likely to conduct multiple reverse stock splits such that they would be impacted by the [p]roposal.” Nasdaq Response Letter at 3, n.8.

<sup>60</sup> See *supra* note 15 and accompanying text. With respect to the Reverse Stock Split Proposal, if a company’s security fails to meet the Bid Price Requirement and the company has conducted a reverse stock split over the prior one-year period, a timely request for a hearing will ordinarily stay the suspension of trading and the Hearings Panel may, where it deems appropriate, grant an additional compliance period. See Nasdaq Rule 5815(a)(1)(B) and (c)(1)(A).

<sup>61</sup> See Notice, *supra* note 3, at 68230.

<sup>62</sup> See 17 CFR 240.3a51–1(a)(1); 17 CFR 240.15g–1 to –9. In particular, the Penny Stock Rules provide protections to investors in low-priced stocks requiring, among other things, that broker-dealers provide a disclosure document to their customers describing the risk of investing in penny stocks and approve customer accounts for transactions in penny stocks.

<sup>63</sup> See Notice, *supra* note 3, at 68230. Nasdaq also stated that FINRA has alerted investors that “low-priced stocks may be more susceptible to fraud, including in cases where the company has no involvement in that fraud.” Letter from Arnold Golub, Vice President, Deputy General Counsel, Nasdaq, dated Jan. 8, 2025 (“Nasdaq Response Letter II”), at 5 (citing to FINRA Investor Insights, “Low-Priced Stocks Can Spell Big Problems,” dated Jan. 19, 2024, available at <https://www.finra.org/investors/insights/low-priced-stocks-big-problems>).

compliance concerns, and that these companies often become subject to delisting for other reasons during the compliance periods.<sup>64</sup> Further, the continued listing of low-priced securities raises concerns that these securities may not have sufficient public float, investor base, and trading interest to promote fair and orderly markets and relatedly may have heightened susceptibility to manipulation. Given these concerns, the Exchange's proposal to commence delisting proceedings for those companies that have conducted a prior reverse split within a year of being in violation of the Bid Price Requirement is appropriate and consistent with Section 6(b)(5) of the Exchange Act.

Some commenters raised concerns relating to the impact of the Prior Reverse Split Proposal on access to capital for a segment of Nasdaq-listed small companies, particularly biotechnology companies, and stated that other factors beyond financial distress also contribute to the need for reverse stock splits by these issuers.<sup>65</sup> As discussed above, the Prior Reverse Split Proposal is reasonably designed to address the investor protection and market manipulation concerns that the Exchange has observed in circumstances involving companies that have utilized reverse stock splits. Importantly, the proposal does not single out any specific type of Exchange-listed company based on whether a company is small or on a sector of the market. The proposal reasonably addresses a gap in the Exchange's current continued listing standards that potentially allows an issuer to inappropriately delay delisting, thereby protecting investors and the public interest. While the Commission recognizes that the Exchange delisting process is in part designed to allow companies experiencing temporary financial and/or business issues to regain compliance with continued listing standards, the proposal reasonably balances the intent of the delisting process with the need to prevent companies from taking advantage of the delisting process for an extended period of time despite indications of serious difficulties within such companies that are likely to put continued downward pressure on the stock price, contrary to the goal of protecting investors and the public interest under the Exchange Act.<sup>66</sup>

The commenters' concern that the Prior Reverse Split Proposal will encourage short-selling activities due to non-compliance with continued listing standards is not unique to the Exchange's proposal and, indeed, exists today.<sup>67</sup> Short selling provides the market with important benefits, such as providing market liquidity and pricing efficiency.<sup>68</sup> While short selling can serve useful market purposes, such as facilitating price discovery, there are concerns that it could be used to drive down the price of a security, to accelerate a declining market in a security, or to manipulate stock prices.<sup>69</sup> The Commission and FINRA have established rules to regulate short selling in order to maintain market integrity and protect investors from abusive short selling practices.<sup>70</sup> Further, market manipulation activity conducted through short selling is illegal under the general anti-fraud and anti-manipulation provisions of the federal securities laws.<sup>71</sup> In response to the commenters, Nasdaq stated that, "to the extent that companies effect larger reverse stock splits such that they may maintain compliance and thereby avoid the delisting process for a longer period of time, the Prior Reverse Split Proposal may, in fact, reduce the attractiveness of a legitimate short position."<sup>72</sup>

One commenter raised concerns regarding the Prior Reverse Split Proposal's potential impact on how

splits" and that "any incidental burden on affected companies is necessary to better protect prospective investors, in furtherance of a central purpose of the Exchange Act." Nasdaq Response Letter II at 4.

<sup>67</sup> See *supra* note 41.

<sup>68</sup> See Securities Exchange Act Release No. 98738 (Oct. 23, 2023), 88 FR 75100, 75101 (Nov. 1, 2023) (Final Rule: Short Position and Short Activity Reporting by Institutional Investment Managers).

<sup>69</sup> See *id.* Nasdaq also stated that "[l]egitimate short selling contributes to efficient price formation, enhances liquidity, and facilitates risk management, and short sellers may benefit the market and investors in other important ways, including by identifying and ferreting out instances of fraud and other misconduct at public companies." Nasdaq Response Letter II at 2.

<sup>70</sup> See, e.g., Securities Exchange Act Release No. 50103 (July 28, 2004), 69 FR 48008 (Aug. 6, 2004) (Final Rule: Short Sales); FINRA Rules 4210 (Margin Requirements), 4320 (Short Sale Delivery Requirements), and 4560 (Short-Interest Reporting). See also, e.g., Nasdaq Rules, Equity 9, Section 9 (Short-Interest Reporting).

<sup>71</sup> See, e.g., Securities Exchange Act Release No. 58774 (Oct. 14, 2008), 73 FR 61666, 61667 (Oct. 17, 2008) (Final Rule: "Naked" Short Selling Antifraud Rule) ("Although abusive 'naked' short selling as part of a manipulative scheme is always illegal under the general antifraud provisions of the federal securities laws, including Rule 10b-5 of the Exchange Act, [\*] Rule 10b-21 will further evidence the liability of persons that deceive others about their intention or ability to deliver securities in time for settlement, including persons that deceive their broker-dealer about their locate source or ownership of shares.").

<sup>72</sup> Nasdaq Response Letter II at 4.

companies administer reverse stock splits and its potential to cause issues for companies' capitalization; however, the commenter did not specify any harm that would result from this specific proposal, particularly to a company's capitalization.<sup>73</sup> Today, companies often conduct reverse stock splits as their stock price approaches noncompliance with the Bid Price Requirement and, as discussed above, the continued listing of the low-priced securities of companies that engage in a pattern of repeated reverse stock splits raises concerns.<sup>74</sup> In response to the commenter, Nasdaq stated that a reverse stock split, "by design, has no impact on the company's capitalization" because such action has "the effect of increasing a company's stock price by consolidating the outstanding shares."<sup>75</sup> Nasdaq further stated that it "believes that a company facing temporary business issues, a temporary decrease in the market value of its securities, or temporary market conditions, generally, can choose the ratio of a reverse stock split that is high enough to help ensure that subsequent price fluctuations will not cause the company's securities to fall below the \$1.00 minimum bid price requirement within the following year."<sup>76</sup>

In sum, the Exchange's proposal appropriately identifies securities listed on its market that are more likely to have serious recurrent issues in regaining and maintaining compliance with the Bid Price Requirement and proposes reasonable changes to shorten the time that such non-compliant securities can remain trading on the Exchange, thereby protecting investors and the public interest in accordance with Section 6(b)(5) of the Exchange Act,<sup>77</sup> while at the same time maintaining a fair procedure for affected companies to appeal their Delisting Determinations to the Hearings Panel in accordance with Section 6(b)(7) of the Exchange Act.<sup>78</sup> For these reasons, the Commission finds that the proposed rule change is consistent with the requirements of the Exchange Act.

#### IV. Conclusion

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Exchange Act,<sup>79</sup> that the proposed rule change (SR-NASDAQ-2024-045) be, and it hereby is, approved.

<sup>73</sup> See *supra* note 43.

<sup>74</sup> See *supra* note 63 and accompanying text.

<sup>75</sup> Nasdaq Response Letter II at 5.

<sup>76</sup> *Id.* See also *supra* note 56.

<sup>77</sup> 15 U.S.C. 78f(b)(5).

<sup>78</sup> 15 U.S.C. 78f(b)(7).

<sup>79</sup> 15 U.S.C. 78s(b)(2).

<sup>64</sup> See *id.*

<sup>65</sup> See *supra* notes 41 and 42.

<sup>66</sup> In response to the commenters, Nasdaq stated that "the Prior Reverse Split Proposal appropriately balances the goals of capital formation and investor protection by discouraging listed companies from engaging in a pattern of repeated reverse stock

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>80</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2025-01621 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

**SECURITIES AND EXCHANGE COMMISSION**

[Securities Act of 1933 Release No. 11360/ January 17, 2025; Securities Exchange Act of 1934 Release No. 102235/January 17, 2025]

**Order Regarding Review of Financial Accounting Standards Board (“FASB”) Accounting Support Fee for 2025 Under Section 109 of the Sarbanes-Oxley Act of 2002**

The Sarbanes-Oxley Act of 2002 (“SOX” or the “Act”) provides that the Securities and Exchange Commission (the “Commission”) may recognize, as generally accepted for purposes of the securities laws, any accounting principles established by a standard-setting body that meets certain criteria.<sup>1</sup> Section 109 of SOX provides that all of the budget of such a standard-setting body shall be payable from an annual accounting support fee assessed and collected against each issuer, as may be necessary or appropriate to pay for the budget and provide for the expenses of the standard-setting body, and to provide for an independent, stable source of funding, subject to review by the Commission. Under Section 109(f) of the Act, the amount of fees collected for a fiscal year shall not exceed the “recoverable budget expenses” of the standard-setting body. Section 109(i) of SOX amends Section 13(b)(2) of the Securities Exchange Act of 1934 to require issuers to pay the allocable share of a reasonable annual accounting support fee or fees, determined in accordance with Section 109 of the Act.

On April 25, 2003, the Commission issued a policy statement concluding that the Financial Accounting Standards Board and its parent organization, the Financial Accounting Foundation (“FAF”), satisfied the criteria for an accounting standard-setting body under the Act, and recognizing the FASB’s financial accounting and reporting standards as “generally accepted” under Section 108 of the Act.<sup>2</sup> Accordingly, the Commission undertook a review of

the FASB’s accounting support fee for calendar year 2025.<sup>3</sup> In connection with its review, the Commission also reviewed the budget for the FAF and the FASB for calendar year 2025.

Section 109 of SOX provides that, in addition to the accounting support fee, the standard-setting body can have additional sources of revenue for its activities, such as earnings from sales of publications, provided that each additional source of revenue shall not jeopardize, in the judgment of the Commission, the actual or perceived independence of the standard setter. In this regard, the Commission also considered the interrelation of the operating budgets of the FAF, the FASB, and the Governmental Accounting Standards Board (“GASB”), the FASB’s sister organization, which sets accounting standards used by state and local government entities. The Commission has been advised by the FAF that neither the FAF, the FASB, nor the GASB accept contributions from the accounting profession.

The Commission understands that the Office of Management and Budget (“OMB”) has determined the FASB’s spending of the 2025 accounting support fee is sequestrable under the Budget Control Act of 2011.<sup>4</sup> So long as sequestration is applicable, we anticipate that the FAF will work with the Commission and Commission staff as appropriate regarding its implementation of sequestration.

After its review, the Commission determined that the 2025 annual accounting support fee for the FASB is consistent with Section 109 of the Act. Accordingly,

*It is ordered,* pursuant to Section 109 of SOX, that the FASB may act in accordance with this determination of the Commission.

By the Commission.

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2025-01614 Filed 1-22-25; 8:45 am]

BILLING CODE 8011-01-P

<sup>3</sup> The Financial Accounting Foundation’s Board of Trustees approved the FASB’s budget on Nov. 19, 2024. The FAF submitted the approved budget to the Commission on Nov. 22, 2024.

<sup>4</sup> See OMB Report to the Congress on the BBEDCA 251A Sequestration for Fiscal Year 2025 (Mar. 11, 2024), available at [https://www.whitehouse.gov/wp-content/uploads/2024/03/BBEDCA\\_251A\\_Sequestration\\_Report\\_FY2025.pdf](https://www.whitehouse.gov/wp-content/uploads/2024/03/BBEDCA_251A_Sequestration_Report_FY2025.pdf).

**SMALL BUSINESS ADMINISTRATION**

[Disaster Declaration #20960 and #20961; TEXAS Disaster Number TX-20043]

**Administrative Declaration of a Disaster for the State of Texas**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of Texas dated January 16, 2025.

*Incident:* Severe Storm, Tornadoes, and Straight-line Winds.

**DATES:** Issued on January 16, 2025.

*Incident Period:* December 28, 2024.

*Physical Loan Application Deadline Date:* March 17, 2025.

*Economic Injury (EIDL) Loan Application Deadline Date:* October 16, 2025.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:** Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator’s disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

- Primary Counties:* Brazoria, Montgomery.
  - Contiguous Counties:* Texas: Fort Bend, Galveston, Grimes, Harris, Liberty, Matagorda, San Jacinto, Walker, Waller, Wharton.
- The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	5.125
Homeowners without Credit Available Elsewhere .....	2.563
Businesses with Credit Available Elsewhere .....	8.000
Businesses without Credit Available Elsewhere .....	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.625

<sup>80</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> See 15 U.S.C. 7201 *et seq.*

<sup>2</sup> See Commission Statement of Policy Reaffirming the Status of the FASB as a Designated Private-Sector Standard Setter, Release No. 33-8221 (Apr. 25, 2003) [68 FR 23333 (May 1, 2003)].

	Percent
Non-Profit Organizations without Credit Available Elsewhere .....	3.625
<i>For Economic Injury:</i>	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	3.625

The number assigned to this disaster for physical damage is 20960C and for economic injury is 209610.

The State which received an EIDL Declaration is Texas.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
*Administrator.*

[FR Doc. 2025-01588 Filed 1-22-25; 8:45 am]

**BILLING CODE 8026-09-P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. FD 36824]

**North Florida Industrial Railroad, LLC—Lease and Operation Exemption—Rail Line in Columbia County, Fla.**

North Florida Industrial Railroad, LLC (NFIR), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to lease and operate approximately 4,891 feet of track in the vicinity of Lake City in Columbia County, Fla. (the Line), connecting the North Florida Mega Industrial Park (Park) with a rail line operated by Florida Gulf & Atlantic Railroad, LLC (FG&A).<sup>1</sup> According to the verified notice, there are no designated mileposts on the Line, although it will connect with FG&A’s line at milepost 688.<sup>2</sup>

This transaction is related to a concurrently filed petition for exemption in Docket No. FD 36823, *Macquarie Infrastructure Partners V GP, LLC—Continuance in Control—North Florida Industrial Railroad*, in which Macquarie Infrastructure Partners, for the benefit of the Macquarie Infrastructure Partners V fund vehicle; MIP V Rail, LLC; Pinsky Holdco, LLC; and Pinsky Railroad Company, LLC, seeks Board approval to continue in control of NFIR upon NFIR’s becoming a Class III rail carrier.

<sup>1</sup> The verified notice states that NFIR and FG&A are commonly controlled.

<sup>2</sup> Although the verified notice states that the connection will be located at milepost “888,” the maps attached to the notice show the milepost as being 688. (Notice, Ex. 1.)

According to the verified notice, the Line is owned by Columbia County, Fla., a noncarrier, and is currently inactive. The verified notice further states that Columbia County is in the process of developing the Park, and that lease and operation of the Line will enable tenants to receive inbound and originate outbound freight shipments via NFIR, which will interchange with FG&A. Pursuant to the proposed transaction, NFIR will maintain and operate the Line, provide switching and related rail services to the Park tenants, and effect the interchange and delivery of inbound and origination and interchange of outbound line-haul rail shipments.

NFIR certifies that its projected annual revenues will not exceed \$5 million and will not result in the creation of a Class I or Class II rail carrier. NFIR also certifies that the proposed transaction does not involve any provision or agreement that would limit future interchange with a third-party connecting carrier.

NFIR states that it intends to consummate the proposed transaction as soon as practicable after the effective dates of this exemption and the continuance in control exemption that is the subject of the related petition for exemption in Docket No. FD 36823. The effective date of this lease and operation exemption will be held in abeyance pending review of the petition for exemption.

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. If the petition for exemption in Docket No. FD 36823 is granted, a deadline for filing petitions to stay this lease and operation exemption will be established in a decision that also establishes an effective date for this exemption.

All pleadings, referring to Docket No. FD 36824, must be filed with the Surface Transportation Board either via e-filing on the Board’s website or in writing addressed to 395 E Street SW, Washington, DC 20423-0001. In addition, a copy of each pleading must be served on NFIR’s representative, Terence M. Hynes, Sidley Austin LLP, 1501 K Street NW, Washington, DC 20005.

According to NFIR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at [www.stb.gov](http://www.stb.gov).

Decided: January 17, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Zantori Dickerson,**  
*Clearance Clerk.*

[FR Doc. 2025-01590 Filed 1-22-25; 8:45 am]

**BILLING CODE 4915-01-P**

**SURFACE TRANSPORTATION BOARD**

[Docket No. EP 774 (Sub-No. 2)]

**Notice of Passenger Rail Advisory Committee Meeting**

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice of Passenger Rail Advisory Committee meeting.

**SUMMARY:** Notice is hereby given of a meeting of the Passenger Rail Advisory Committee (PRAC), pursuant to the Federal Advisory Committee Act (FACA).

**DATES:** The meeting will be held on February 11, 2025, at 9:00 a.m. E.T.

**ADDRESSES:** The meeting will be held at the Surface Transportation Board headquarters at 395 E Street SW, Washington, DC 20423.

**FOR FURTHER INFORMATION CONTACT:** Brian O’Boyle at (202) 245-0364 or [Brian.Ob Boyle@stb.gov](mailto:Brian.Ob Boyle@stb.gov). If you require an accommodation under the Americans with Disabilities Act for this meeting, please call (202) 245-0245 by February 7, 2025.

**SUPPLEMENTARY INFORMATION:** The PRAC was formed in 2023 to provide advice and guidance to the Board on passenger rail issues on a continuing basis to help the Board better fulfill its statutory responsibilities in overseeing certain aspects of passenger rail service. *Establishment of the Passenger Rail Advisory Comm., EP 774* (STB served Nov. 13, 2023). The purpose of this meeting is to facilitate discussions regarding ideas on how to improve efficiency on passenger rail routes, reduce disputes between passenger rail carriers and freight rail hosts, and improve regulatory processes related to intercity passenger rail. Potential agenda items for this meeting include selection and prioritization of topics for further exploration by the PRAC, initial discussions regarding the selected topics, and discussion of draft bylaws.

The meeting, which is open to the public, will be conducted in accordance with FACA, 5 U.S.C. app. 2; Federal Advisory Committee Management regulations, 41 CFR part 102-3; PRAC’s charter; and Board procedures. Further

communications about this meeting may be announced through the Board's website at [www.stb.gov](http://www.stb.gov).

**Written Comments:** Members of the public may submit written comments to PRAC at any time. Comments should be addressed to PRAC, c/o Brian O'Boyle, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001 or [Brian.Oboyle@stb.gov](mailto:Brian.Oboyle@stb.gov). Please submit any comments for review at the meeting by February 7, 2025, if possible.

**Authority:** 49 U.S.C. 1321, 11101, and 11121.

Decided: January 17, 2025.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

**Jeffrey Herzig,**

*Clearance Clerk.*

[FR Doc. 2025-01605 Filed 1-22-25; 8:45 am]

BILLING CODE 4915-01-P

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## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Notice of Determination Pursuant to Section 301: China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice of determination.

**SUMMARY:** The U.S. Trade Representative has determined that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is actionable under section 301.

**FOR FURTHER INFORMATION CONTACT:** Megan Grimball and Philip Butler, Chairs of the Section 301 Committee, Associate General Counsel Thomas Au or Assistant General Counsel Henry Smith, 202.395.5725.

**SUPPLEMENTARY INFORMATION:**

#### I. Summary of the Petition

On March 12, 2024, five labor unions<sup>1</sup> filed a section 301 petition regarding the acts, policies, and practices of China to dominate the maritime, logistics, and shipbuilding sector.<sup>2</sup> The petition was filed pursuant

<sup>1</sup> The five petitioners are the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, AFL-CIO CLC (USW), the International Brotherhood of Electrical Workers (IBEW), the International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO/CLC (IBB), the International Association of Machinists and Aerospace Workers (IAM), and the Maritime Trades Department of the AFL-CIO (MTD).

<sup>2</sup> For additional information, the full text of the petition and accompanying exhibits are available at:

to section 302(a)(1) of the Trade Act of 1974, as amended (Trade Act) (19 U.S.C. 2412(a)(1)), requesting action pursuant to section 301(b) (19 U.S.C. 2411(b)).

Petitioners allege that China targets the maritime, logistics, and shipbuilding sector for dominance and engages in a wide range of unreasonable or discriminatory acts, policies, and practices that provide unfair advantages across maritime industries, such as shipbuilding, shipping, and maritime equipment. The petitioners also aver that China threatens to discriminate against U.S. commerce and disrupt supply chains. Petitioners allege that China's acts, policies, and practices burden or restrict U.S. commerce in various manners. See 89 FR 29424 (April 22, 2024).

#### II. Proceedings in the Investigation

On April 17, 2024, after consultation with the appropriate advisory committees and the Section 301 Committee, USTR initiated an investigation regarding the issues raised in the petition pursuant to section 302(a)(2) of the Trade Act (19 U.S.C. 2412(a)(2)). The notice of initiation solicited written comments on, *inter alia*: China's acts, policies, and practices targeting the maritime, logistics, and shipbuilding sectors for dominance; whether China's acts, policies, and practices targeting the maritime, logistics, and shipbuilding sectors for dominance are unreasonable or discriminatory; China's efforts to dominate the global maritime, logistics, and shipbuilding sectors, including the upstream and downstream supply chain, as well as shipping services; information on other acts, policies, and practices of China relating to the maritime, logistics and shipbuilding sectors; whether China's acts, policies, and practices burden or restrict U.S. commerce, and if so, the nature and level of the burden or restriction.

Interested persons filed over 40 written comments. USTR and the Section 301 Committee convened a public hearing on May 29, 2024, during which witnesses provided testimony and responded to questions. The public submissions are available at <https://comments.ustr.gov/s/> in docket number USTR-2024-0005, and a transcript of the hearing is available on the USTR website.

On April 17, 2024, the U.S. Trade Representative requested consultations with the government of China pursuant to section 303 of the Trade Act (19

<https://ustr.gov/issue-areas/enforcement/section-301-investigations/section-301-petition-china-maritime-logistics-and-shipbuilding-sector>.

U.S.C. 2413). The government of China has declined to hold consultations under the statutory framework regarding the investigation.

Based on information obtained during the investigation, including the public submissions and the public hearing, USTR and the Section 301 Committee have prepared a report on the acts, policies, and practices under investigation. The report supports a determination that China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable and burdens or restricts U.S. commerce and thus is actionable. The report is available to the public on the USTR website.

#### III. China's Targeting of the Maritime, Logistics, and Shipbuilding Sectors for Dominance

For nearly three decades, China has targeted the maritime, logistics, and shipbuilding sectors for dominance and has employed increasingly aggressive and specific targets in pursuing dominance. China has largely achieved its dominance goals, severely disadvantaging U.S. companies, workers, and the U.S. economy generally through lessened competition and commercial opportunities and through the creation of economic security risks from dependencies and vulnerabilities.

Top-down industrial planning and targeting is a critical feature of China's state-led, non-market economic system. China organizes the development of its economy at a high level through broad national-level five-year economic and social development plans. It then employs industry-specific plans that typically align chronologically with the national five-year plans. These plans often contain detailed quantitative and qualitative targets, including for production, domestic content, and domestic and international market shares, and outline the non-market policies and practices China should use to achieve these targets. China's plans reveal its targeting of the maritime, logistics, and shipbuilding sectors for dominance.

Market share targets necessitate substitution by Chinese companies at the expense of foreign competitors—for Chinese companies to gain market share, they must displace foreign companies in existing markets and take new markets as they develop in the future. China's industrial targets have become more aggressive and sophisticated over the years.

China's targeting of these sectors for dominance has undercut competition and taken market share with dramatic

effect: raising China's shipbuilding market share from less than 5 percent of global tonnage in 1999, to over 50 percent in 2023; increasing China's ownership of the commercial world fleet to over 19 percent as of January 2024; and controlling production of 95 percent of shipping containers and 86 percent of the world's supply of intermodal chassis, among other components and products.

#### IV. Determination on the Acts, Policies, or Practices Under Investigation

Based on the information obtained during the investigation, as reflected in the public report on the investigation, and taking account of public comments, as well as the advice of the Section 301 Committee and advisory committees, the U.S. Trade Representative has made the following determination under sections 301(b) and 304(a) of the Trade Act (19 U.S.C. 2411(b) and 2414(a)): China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable and burdens or restricts U.S. commerce, and thus is actionable under section 301(b) of the Trade Act.

In particular, China's targeting of the maritime, logistics, and shipbuilding sectors for dominance is unreasonable because: it displaces foreign firms, deprives market-oriented businesses and their workers of commercial opportunities, and lessens competition; and it creates dependencies on China, increasing risk and reducing supply chain resilience. China's targeting for dominance also is unreasonable because of China's extraordinary control over its economic actors and these sectors.

Furthermore, China's targeting of the maritime, logistics, and shipbuilding sectors for dominance burdens or restricts U.S. commerce by: undercutting business opportunities for and investments in the U.S. maritime, logistics, and shipbuilding sectors; restricting competition and choice; creating economic security risks from dependence and vulnerabilities in sectors critical to the functioning of the U.S. economy; and undermining supply chain resilience.

These findings provide a basis for finding that responsive action is appropriate to obtain the elimination of the acts, policies, or practices covered in the investigation.

#### V. Further Proceedings

Sections 301(b) and 304(a)(1)(B) of the Trade Act provide that if the U.S. Trade Representative determines that an act, policy, or practice of a foreign country is unreasonable or discriminatory and burdens or restricts United States

commerce, the U.S. Trade Representative shall determine what action, if any, to take under section 301(b). These matters will be addressed in subsequent proceedings.

**Juan Millan,**

*Acting General Counsel, Office of the United States Trade Representative.*

[FR Doc. 2025-01540 Filed 1-22-25; 8:45 am]

**BILLING CODE 3290-F4-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of this person is blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** This action was issued on January 15, 2025. See **SUPPLEMENTARY INFORMATION** section for relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant Director for Sanctions Compliance, 202-622-2490 or <https://ofac.treasury.gov/contact-ofac>.

**SUPPLEMENTARY INFORMATION:**

#### Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

#### Notice of OFAC Actions

On January 15, 2025, OFAC determined that the person identified below meets one or more of the criteria for the imposition of sanctions set forth in section 11(a) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," (E.O. 14024), as amended by Executive Order 14114 of December 22, 2023, "Taking Additional Steps With Respect to the Russian Federation's Harmful Activities" (E.O. 14114). OFAC has

determined to impose blocking sanctions pursuant to section 11(b)(ii) of E.O. 14024, as amended by E.O. 14114 on the person identified below, and therefore all of the person's property and interests in property that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, are blocked, and such property and interests in property may not be transferred, paid, exported, withdrawn, or otherwise dealt in.

#### Entity

1. OJSC KEREMET BANK, 40/4 Togolok Moldo str, Bishkek 720001, Kyrgyzstan; SWIFT/BIC RINBKG22; website <https://keremetbank.kg>; Secondary sanctions risk: See Section 11 of Executive Order 14024.; BIK (RU) 136001; Target Type Financial Institution; Tax ID No. 02012201010017 (Kyrgyzstan); Global Intermediary Identification Number NNNQ6K.99999.SL417 [RUSSIA-EO14024].

Designated pursuant to section 11(a)(ii) of Executive Order 14024 of April 15, 2021, "Blocking Property With Respect To Specified Harmful Foreign Activities of the Government of the Russian Federation," 86 FR 20249, 3 CFR, 2021 Comp., p. 542 (Apr. 15, 2021) (E.O. 14024) as amended by Executive Order 14114 of December 22, 2023, "Taking Additional Steps With Respect to the Russian Federation's Harmful Activities," 88 FR 89271, 3 CFR, 2023 Comp., p. 721 (Dec. 22, 2023) (E.O. 14114) for having conducted or facilitated any significant transaction or transactions, or provided any service, involving Russia's military-industrial base, including the sale, supply, or transfer, directly or indirectly, to the Russian Federation of any item or class of items as may be determined by the Secretary of the Treasury, in consultation with the Secretary of State and the Secretary of Commerce.

**Lisa M. Palluconi,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2025-01578 Filed 1-22-25; 8:45 am]

**BILLING CODE 4810-AL-P**

## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more

applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

**DATES:** This action was issued on January 17, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, 202–622–2420; Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

**SUPPLEMENTARY INFORMATION:**

**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions

programs are available on OFAC's website: <https://ofac.treasury.gov>.

**Notice of OFAC Action**

On January 17, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

**BILLING CODE 4810-AL-P**

**Individuals**

1. GUJANICIC, Marko (Latin: GUJANIČIĆ, Marko; Cyrillic: ГУЈАНИЧИЋ, Марко), Bosnia and Herzegovina; DOB 10 Sep 1992; POB Cacak, Serbia; nationality Serbia; Gender Male; Passport 017624601 (Serbia) expires 27 Jun 2033; National ID No. 1009992782839 (Serbia) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).

Designated pursuant to section 1(a)(vii) of Executive Order 14033 of June 8, 2021, “Blocking Property and Suspending Entry into the United States of Certain Persons Contributing to the Destabilizing Situation in the Western Balkans,” (E.O. 14033), 86 FR 31079 (June 10, 2021), 3 CFR 2021 Comp., p. 591, as amended by Executive Order 14140 of January 8, 2025, “Taking Additional Steps With Respect to the Situation in the Western Balkans” (E.O. 14033, as amended), 90 FR 2589 (January 13, 2025), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Igor Dodik, a person whose property and interests in property are blocked pursuant to E.O. 14033.

2. RELJIN, Nemanja (Cyrillic: РЕЉИН, Немања), Banja Luka, Bosnia and Herzegovina; DOB 02 Jul 1996; POB Serbia; nationality Bosnia and Herzegovina; Gender Male; Passport B1313960 (Bosnia and Herzegovina) expires 27 Jan 2027 (individual) [BALKANS-EO14033] (Linked To: NIMBUS INNOVATIONS D.O.O. BANJA LUKA).

Designated pursuant to section 1(a)(ix) of E.O. 14033, as amended, for owning or controlling, directly or indirectly, Nimbus Innovations D.O.O. Banja Luka, a person whose property and interests in property are blocked pursuant to E.O. 14033.

3. KARAN, Sinisa (Latin: KARAN, Siniša; Cyrillic: КАРАН, Синиша), Bosnia and Herzegovina; DOB 17 May 1962; POB Beli Manastir, Croatia; nationality Bosnia and Herzegovina; Gender Male; Diplomatic Passport D0004720 (Bosnia and Herzegovina) expires 12 Jan 2028 (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans,

including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

4. DRAGICEVIC, Danijel (Latin: DRAGIČEVIĆ, Danijel; Cyrillic: ДРАГИЧЕВИЋ, Данијел), Bosnia and Herzegovina; DOB 25 Mar 1980; nationality Bosnia and Herzegovina; Gender Male; Passport B0932715 (Bosnia and Herzegovina) expires 03 Jun 2026 (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

5. RAKOVIC, Goran (Latin: RAKOVIĆ, Goran; Cyrillic: РАКОВИЋ, Горан), Bosnia and Herzegovina; DOB 08 Oct 1975; nationality Bosnia and Herzegovina; Gender Male; National ID No. 4M162T040 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

6. PANIC, Dalibor (Latin: PANIĆ, Dalibor; Cyrillic: ПАНИЋ, Далибор), Bosnia and Herzegovina; DOB 20 Dec 1982; nationality Bosnia and Herzegovina; Gender Male; Passport B0622614 (Bosnia and Herzegovina) expires 11 Dec 2025 (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

7. MILANKOVIC, Dijana (Latin: MILANKOVIĆ, Dijana; Cyrillic: МИЛАНКОВИЋ, Дијана), Bosnia and Herzegovina; DOB 01 May 1979; nationality Bosnia and Herzegovina; Gender Female; Passport B2779959 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

8. SELMAN, Dzerard (Latin: SELMAN, Džerard; Cyrillic: СЕЈМАН, Џерард), Bosnia and Herzegovina; DOB 28 Dec 1958; POB Kotor Varos, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; Gender Male; National ID No. 501705232 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual

recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

9. KUZMANOVIC, Rajko (Latin: KUZMANOVIĆ, Rajko; Cyrillic: КУЗМАНОВИЋ, Рајко), Bosnia and Herzegovina; DOB 01 Dec 1931; nationality Bosnia and Herzegovina; Gender Male; Passport B2428524 (Bosnia and Herzegovina) expires 15 Jul 2029 (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

10. FILIPOVIC, Goran (Latin: FILIPOVIĆ, Goran; Cyrillic: ФИЛИПОВИЋ, Горан), Bosnia and Herzegovina; DOB 19 Jul 1985; nationality Bosnia and Herzegovina; Gender Male; Passport B0556782 (Bosnia and Herzegovina) expires 22 Oct 2025 (individual) [BALKANS-EO14033].

Designated pursuant to section 1(a)(iii) of E.O. 14033, as amended, for being responsible for or complicit in, or having directly or indirectly engaged or attempted to engage in, a violation of, or an act that has obstructed or threatened the implementation of, any regional security, peace, cooperation, or mutual recognition agreement or framework or accountability mechanism, or posing a significant risk of committing such an act, related to the Western Balkans, including the Prespa Agreement of 2018; the Ohrid Framework Agreement of 2001; United Nations Security Council Resolution 1244; the Dayton Accords; or the Conclusions of the Peace Implementation Conference Council held in London in December 1995, including the decisions or conclusions of the High Representative, the Peace Implementation Council, or its Steering Board; or the International Criminal Tribunal for the former Yugoslavia, or, with respect to the former Yugoslavia, the International Residual Mechanism for Criminal Tribunals.

11. COROVIC, Pavle (Latin: ĆOROVIĆ, Pavle), Banja Luka, Bosnia and Herzegovina; DOB 21 Jun 1984; POB Banja Luka, Bosnia and Herzegovina; nationality Bosnia and Herzegovina; alt. nationality Serbia; Gender Male; Passport B3099982 (Bosnia and Herzegovina) expires 25 Feb 2032; alt. Passport 015442249 (Serbia) expires 26 Oct 2030 (individual) [BALKANS-EO14033] (Linked To: GLOBAL LIBERTY D.O.O. LAKTASI).

Designated pursuant to section 1(a)(ix) of E.O. 14033, as amended, for owning or controlling, directly or indirectly, Global Liberty D.O.O. Laktasi, a person whose property and interests in property are blocked pursuant to E.O. 14033.

12. BOJANIC, Radmila (Latin: BOJANIĆ, Radmila; Cyrillic: БОЈАНИЋ, Радмила), Bosnia and Herzegovina; DOB 03 May 1972; nationality Bosnia and Herzegovina; Gender Female; National ID No. 4M0M093A6 (Bosnia and Herzegovina) expires 11 Feb 2034 (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor; Linked To: NIMBUS INNOVATIONS D.O.O. BANJA LUKA).

Designated pursuant to sections 1(a)(ix) and 1(a)(viii) of E.O. 14033, as amended, for owning or controlling, directly or indirectly, Nimbus Innovations D.O.O. Banja Luka, a person whose property and interests in property are blocked pursuant to E.O. 14033 and for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, Igor Dodik, a person whose property and interests in property are blocked pursuant to E.O. 14033.

13. DODIK, Sinisa (Latin: DODIK, Siniša), Banja Luka, Bosnia and Herzegovina; DOB 15 Jun 1979; nationality Bosnia and Herzegovina; Gender Male; Passport B0663770 expires 06 Jan 2026; National ID No. 741706K69 (Bosnia and Herzegovina) (individual) [BALKANS-EO14033] (Linked To: DODIK, Igor).

Designated pursuant to section 1(a)(vii) of E.O. 14033, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Igor Dodik, a person whose property and interests in property are blocked pursuant to E.O. 14033.

### Entity

1. SEE MEDIA RESEARCH LTD, Floor 1, 1 Goergiou Gennadiou, Larnaca 6031, Cyprus; Organization Established Date 05 Oct 2023; Business Registration Number HE452094 (Cyprus) [BALKANS-EO14033] (Linked To: GUJANICIC, Marko).

Designated pursuant to section 1(a)(vii) of E.O. 14033, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, Marko Guajanicic, a person whose property and interests in property are blocked pursuant to E.O. 14033, as amended.

**Lisa M. Palluconi,**  
*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2025-01630 Filed 1-22-25; 8:45 am]

**BILLING CODE 4810-AL-C**

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## DEPARTMENT OF THE TREASURY

### Office of Foreign Assets Control

#### Notice of OFAC Sanctions Action

**AGENCY:** Office of Foreign Assets Control, Treasury.

**ACTION:** Notice.

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**SUMMARY:** The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been

placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them. Additionally, OFAC is publishing updates to the identifying information of two persons currently included on the SDN List.

**DATES:** This action was issued on January 16, 2025. See **SUPPLEMENTARY INFORMATION** for relevant dates.

**FOR FURTHER INFORMATION CONTACT:** OFAC: Associate Director for Global Targeting, 202-622-2420; Assistant

Director for Sanctions Compliance, 202-622-2490; or <https://ofac.treasury.gov/contact-ofac>.

#### **SUPPLEMENTARY INFORMATION:**

##### **Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

##### **Notice of OFAC Action**

On January 16, 2025, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authorities listed below.

**BILLING CODE 4810-AL-P**

**Individuals**

1. JONG, In Chol, Laos; DOB 05 Jan 1979; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 390220044 (Korea, North) expires 12 May 2025 (individual) [DPRK3] (Linked To: CHONSURIM TRADING CORPORATION).

Designated pursuant to section 2(a)(viii) of Executive Order 13722 of March 15, 2016, "Blocking Property of the Government of North Korea and the Workers' Party of Korea, and Prohibiting Certain Transactions With Respect to North Korea," 81 FR 14943, 3 CFR, 2016 Comp., p. 446 (March 18, 2016) (E.O. 13722) for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, CHONSURIM TRADING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13722.

2. SON, Kyong Sik, Shenyang, China; DOB 20 Apr 1959; nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 381220302 (Korea, North) (individual) [DPRK3] (Linked To: KOREA OSONG SHIPPING CORPORATION).

Designated pursuant to section 2(a)(viii) of E.O. 13722 for being owned or controlled by, or having acted or purported to act for or on behalf of, directly or indirectly, KOREA OSONG SHIPPING CORPORATION, a person whose property and interests in property are blocked pursuant to E.O. 13722.

**Entities**

1. DEPARTMENT 53 OF THE MINISTRY OF THE PEOPLE'S ARMED FORCES (a.k.a. KOREA PONGNAESAN TRADING CORPORATION (Korean: 조선봉래산무역회사); a.k.a. "BUREAU 53"; a.k.a. "DEPARTMENT 53"), Pyongyang, Korea, North; Russia; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Target Type Government Entity [DPRK2].

Designated pursuant to section 1(a)(i) of Executive Order 13687 of January 2, 2015, "Imposing Additional Sanctions With Respect To North Korea," 80 FR 819, 3 CFR, 2015 Comp., p. 259 (January 6, 2025) (E.O. 13687) for being an agency, instrumentality, or controlled entity of Government of North Korea or the Workers' Party of Korea.

2. LIAONING CHINA TRADE INDUSTRY CO., LTD. (Chinese Simplified: 辽宁中贸实业有限公司) (a.k.a. LIAONING ZHONGMAO INDUSTRIAL CO.,

LTD), Dandong, China; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 21 Jun 2019; Unified Social Credit Code (USCC) 91210600MA0YQP7Y0B (China) [DPRK2] (Linked To: DEPARTMENT 53 OF THE MINISTRY OF THE PEOPLE'S ARMED FORCES).

Designated pursuant to section 1(a)(iv) of E.O. 13687 having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, DEPARTMENT 53 OF THE MINISTRY OF THE PEOPLE'S ARMED FORCES, a person whose property and interests in property are blocked pursuant to E.O. 13687.

3. CHONSURIM TRADING CORPORATION (a.k.a. KOREA CHONSURIM TRADING CORPORATION), Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Type: Other information technology and computer service activities [DPRK3].

Designated pursuant to section 2(a)(iv) of E.O. 13722 for having engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea.

4. KOREA OSONG SHIPPING CORPORATION (a.k.a. OSONG SHIPPING COMPANY; a.k.a. OSONG SHIPPING CORPORATION), Kansong-dong, Pyongchon-guyok, Pyongyang, Korea, North; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Organization Established Date 2006; Company Number 5619960 (Korea, North) [DPRK3].

Designated pursuant to section 2(a)(iv) of E.O. 13722 for having engaged in, facilitated, or been responsible for the exportation of workers from North Korea, including exportation to generate revenue for the Government of North Korea or the Workers' Party of Korea.

Additionally, on January 16, 2025, OFAC updated the SDN List entries for one individual and one entity, whose property and interests in property subject to U.S. jurisdiction continue to be blocked. The listing below reflects the amended entries on the SDN List.

**Individual**

—From—

1. KIM, Yong Bok (Korean: 김영복) (a.k.a. "KIM, Yongbok"), Korea, North; DOB 27 Jul 1957; nationality Korea, North; alt. nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 654420047 (Korea, North); President of Pyongyang University of Automation (individual) [DPRK2].

—To—

1. KIM, Yong Bok (Korean: 김영복) (a.k.a. "KIM, Yongbok"), Korea, North; DOB 27 Jul 1957; nationality Korea, North; alt. nationality Korea, North; Gender Male; Secondary sanctions risk: North Korea Sanctions Regulations, sections 510.201 and 510.210; Transactions Prohibited For Persons Owned or Controlled By U.S. Financial Institutions: North Korea Sanctions Regulations section 510.214; Passport 654420047 (Korea, North); Deputy Chief of the Korean People's Army General Staff (individual) [DPRK2].

**Entity**

—From—

1. SIBREGIONGAZ, AO (a.k.a. SIBREGIONGAZ ZAO (Cyrillic: ЗАО СИБРЕГИОНГАЗ); a.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO (Cyrillic: ЗАКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО СИБРЕГИОНГАЗ)), d. 82 ofis 104/ 4, Prospekt Krasny, Novosibirsk, Novosibirsk Region 630091, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 24 Jul 2003; Tax ID No. 5406258514 (Russia); Registration Number 1035402498999 (Russia) [RUSSIA-EO14024].

—To—

1. SIBREGIONGAZ, AO (a.k.a. SIBREGIONGAZ ZAO (Cyrillic: ЗАО СИБРЕГИОНГАЗ); a.k.a. ZAKRYTOE AKTSIONERNOE OBSHCHESTVO SIBREGIONGAZ (Cyrillic: ЗАКРЫТОЕ АКЦИОНЕРНОЕ ОБЩЕСТВО СИБРЕГИОНГАЗ)), d. 82 ofis 104/ 4, Prospekt Krasny, Novosibirsk, Novosibirsk Region 630091, Russia; Secondary sanctions risk: See Section 11 of Executive Order 14024.; Organization Established Date 24 Jul 2003; Tax ID No. 5406258514 (Russia); Registration Number 1035402498999 (Russia) [RUSSIA-EO14024].

**Lisa M. Palluconi,**

*Acting Director, Office of Foreign Assets Control.*

[FR Doc. 2025–01595 Filed 1–22–25; 8:45 am]

BILLING CODE 4810–AL–C

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Collection; Comment Request for Information Collection Tools Relating to the Request for a Copy of Exempt or Political Organization IRS Form, Application, or Letter**

**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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to the request for a copy of exempt or political organization IRS form, application, or letter.

**DATES:** Written comments should be received on or before March 24, 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](mailto:pra.comments@irs.gov). Include OMB control number 1545–0495 or Request for a Copy of Exempt or Political Organization IRS Form, Application, or Letter, in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the form(s) should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at [Kerry.L.Dennis@irs.gov](mailto:Kerry.L.Dennis@irs.gov).

#### **SUPPLEMENTARY INFORMATION:**

**Title:** Request for a Copy of Exempt or Political Organization IRS Form, Application, or Letter.

**OMB Number:** 1545–0495.

**Form Number(s):** 4506–A and 4506–B.

**Abstract:** Internal Revenue Code section 6104 states that if an organization described in section 501(c) or (d) is exempt from taxation under section 501(a) for any taxable year, the application for exemption is open for

public inspection. This includes all supporting statements, any letter or other documents issued by the IRS concerning the application, and certain annual returns of the organization. Form 4506–A, Request for Public Inspection or Copy of Exempt or Political Organization IRS Form and Form 4506–B, Request for a Copy of Exempt Organization IRS Application or Letter, is used to request public inspection or a copy of these forms.

**Current Actions:** There are no changes to the forms, however, the agency has updated the estimated number of respondents based on the most recent filing data. The agency estimates 8,000 more respondents for a total of 27,000 respondents, increasing overall burden by 6,790 (19,400 hours to 26,190 hours). However, the estimated time per response remains the same at 58 minutes as there have been no changes to the forms.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, and businesses or other for-profit organizations, not-for-profit, institutions, farms, and Federal, state, local or tribal governments.

**Estimated Number of Respondents:** 27,000.

**Estimated Time per Response:** 58 minutes.

**Estimated Total Annual Burden Hours:** 26,190 hours.

The following paragraph applies to all 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 if 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: January 16, 2025.

**Kerry L. Dennis,**

*Tax Analyst.*

[FR Doc. 2025–01572 Filed 1–22–25; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Agency Collection Activities; Requesting Comments on Regulation Project TD 8513**

**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 Bad Debt Reserves of Banks.

**DATES:** Written comments should be received on or before March 24, 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](mailto:pra.comments@irs.gov). Include OMB Control No. 1545–1290 in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [jason.m.schoonmaker@irs.gov](mailto:jason.m.schoonmaker@irs.gov).

**SUPPLEMENTARY INFORMATION:** The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

**Title:** Bad Debt Reserves of Banks.

**OMB Number:** 1545–1290.

**Regulation Project Number:** TD 8513.

**Abstract:** Section 585(c) of the Internal Revenue Code requires large banks to change from reserve method of

accounting to the specific charge off method of accounting for bad debts. Section 1.585–8 of the regulation contains reporting requirements in cases in which large banks elect (1) to include in income an amount greater than that prescribed by the Code; (2) to use the elective cut-off method of accounting; or (3) to revoke any elections previously made.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 2,500.

*Estimated Time per Respondent:* 15 min.

*Estimated Total Annual Burden Hours:* 625.

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: January 16, 2025.

**Jason M. Schoonmaker,**  
*Tax Analyst.*

[FR Doc. 2025–01569 Filed 1–22–25; 8:45 am]

BILLING CODE 4830–01–P

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Agency Collection Activities; Requesting Comments on Burden Related to Interest Rates and Appropriate Foreign Loss Payment Patterns of Certain Controlled Corporations

**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 the burden related to the interest rates and appropriate foreign loss payment patterns for determining the qualified insurance income of certain controlled corporations under section 954(i).

**DATES:** Written comments should be received on or before March 24, 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](mailto:pra.comments@irs.gov). Include OMB Control No. 1545–1799 in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of this collection should be directed to Jason Schoonmaker, (801) 620–2128, at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at [jason.m.schoonmaker@irs.gov](mailto:jason.m.schoonmaker@irs.gov).

**SUPPLEMENTARY INFORMATION:** The IRS is currently seeking comments concerning the following information collection tools, reporting, and record-keeping requirements:

*Title:* Interest Rates and Appropriate Foreign Loss Payment Patterns for Determining the Qualified Insurance Income of Certain Controlled Corporations under Section 954(i).

*OMB Number:* 1545–1799.

*Regulation/Project Number:* Notice 2002–69.

*Abstract:* Notice 2002–69 (2002–43 I.R.B. 730) published October 28, 2002, provides interim guidance for determining the interest rates and appropriate foreign loss payment

patterns to be used by controlled foreign corporations in calculating their qualified insurance income under section 954(i) of the Internal Revenue Code. Taxpayers may rely on the guidance in this notice until regulations or other guidance are published.

*Current Actions:* There is no change to the burden previously approved.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business, or other for-profit organizations.

*Estimated Number of Responses:* 300.

*Estimated Time per Respondent:* 1 hour.

*Estimated Total Annual Burden Hours:* 300.

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: January 16, 2025.

**Jason M. Schoonmaker,**  
*Tax Analyst.*

[FR Doc. 2025–01570 Filed 1–22–25; 8:45 am]

BILLING CODE 4830–01–P

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for the Burden Related to Limitations on Passive Activity Losses and Credits**

**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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to limitations on passive activity losses and credits.

**DATES:** Written comments should be received on or before March 24, 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](mailto:pra.comments@irs.gov). Include OMB control number 1545–1244 or Limitations on Passive Activity Losses and Credits, in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington DC 20224, or through the internet, at [Kerry.L.Dennis@irs.gov](mailto:Kerry.L.Dennis@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Limitations on Passive Activity Losses and Credits.

*OMB Number:* 1545–1244.

*Regulation Project Number:* TD 9013.

*Abstract:* Regulation section 1.469–7(g) permits entities to elect to avoid application of section 1.469–7 in the event the passthrough entity chooses to not have the income from lending transactions with owners of interests in the entity recharacterized as passive activity gross income. The IRS will use this information to determine whether the entity has made a proper timely election and to determine that taxpayers are complying with the election in the taxable year of the election and subsequent taxable years.

*Current Actions:* There is no change to the regulation or paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or Households, businesses or other for-profit organizations.

*Estimated Number of Respondents:* 1,000.

*Estimated Time per Respondent:* 6 minutes.

*Estimated Total Annual Burden Hours:* 100.

The following paragraph applies to all 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 if 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: January 16, 2025.

**Kerry L. Dennis,**

*Tax Analyst.*

[FR Doc. 2025–01573 Filed 1–22–25; 8:45 am]

**BILLING CODE 4830–01–P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****Proposed Collection; Comment Request for Regulation Project**

**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 continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning information collection requirements related to branded prescription drugs.

**DATES:** Written comments should be received on or before March 24, 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](mailto:pra.comments@irs.gov). Include OMB control number 1545–2209 or TD 9544, Branded Prescription Drugs, in the subject line of the message.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Kerry Dennis at (202) 317–5751, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet, at [Kerry.L.Dennis@irs.gov](mailto:Kerry.L.Dennis@irs.gov).

**SUPPLEMENTARY INFORMATION:**

*Title:* Branded Prescription Drugs.

*OMB Number:* 1545–2209.

*Regulation Number:* REG–112805–10, (TD 9544).

*Abstract:* TD 9544 contains regulations that provide guidance on the annual fee imposed on covered entities engaged in the business of manufacturing or importing branded prescription drugs.

*Current Actions:* There is no change in the form or paperwork burden previously approved by OMB.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Businesses or other for-profit organizations.

*Estimated Number of Respondents:* 45.

*Estimated Time per Respondent:* 40 hrs.

*Estimated Total Annual Burden Hours:* 1,800.

The following paragraph applies to all 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 if 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: January 16, 2025.  
**Kerry L. Dennis,**  
*Tax Analyst.*  
 [FR Doc. 2025-01574 Filed 1-22-25; 8:45 am]  
**BILLING CODE 4830-01-P**

**DEPARTMENT OF VETERANS AFFAIRS**

**Advisory Committee on the Readjustment of Veterans, Notice of Meeting**

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10., that the Advisory Committee on the Readjustment of Veterans will meet virtually on February 5, 2025–February 6, 2025. The sessions will begin and end as follows:

Dates	Times	Locations	Open session
February 5, 2025 .....	9:00 a.m. to 10:00 a.m. Eastern Standard Time (EST).	Via Microsoft Teams link shown below .....	Yes.
February 5, 2025 .....	10:00 a.m. to 1:00 p.m. EST .....	Lancaster Pennsylvania Vet Center, Via Microsoft Teams link shown below.	No.
February 5, 2025 .....	1:00 p.m. to 2:15 p.m. EST .....	Via Microsoft Teams link shown below .....	Yes.
February 5, 2025 .....	2:15 p.m. to 4:00 p.m. EST .....	Veterans Panel from various Vet Centers, Via Microsoft Teams link shown below.	No.
February 5, 2025 .....	4:00 p.m. to 4:30 p.m. EST .....	Via Microsoft Teams link shown below .....	Yes.
February 6, 2025 .....	9:00 a.m. to 4:30 p.m. EST .....	Via Microsoft Teams link shown below .....	Yes.

The meeting sessions are open to the public, except during the time the Committee is participating in focus group discussions or conducting tours of VA facilities. Tours of VA facilities are closed, to protect Veterans' privacy and personal information, in accordance with 5 U.S.C 552b(c)(6). The meeting will be held via Microsoft Teams.

The purpose of the Committee is to advise the VA regarding the provision by VA of benefits and services to assist Veterans in the readjustment to civilian life. The Committee, comprised of 13 subject matter experts, advises the Secretary through the VA Readjustment Counseling Service (RCS). In carrying out this duty, the Committee shall take into account the needs of Veterans who served in combat theaters of operation.

On February 5, 2025, the meeting will be open to the public from 9:00 a.m. to 10:00 a.m. EST for the Chair's call to order, reviewing the agenda, introductions, and a briefing from RCS Chief Officer. The meeting will convene a closed session from 10:00 a.m. to 1:00 p.m. EST to conduct a virtual site visit of the Lancaster Vet Center and conduct a focus group with staff, which may include sensitive clinical discussions. Tours of VA facilities are closed, to protect Veterans' privacy and personal information, in accordance with 5 U.S.C 552b(c)(6). The Committee will reconvene an open session at 1:00 p.m. to 2:15 p.m. EST for a presentation from three Vet Center Directors. From 2:15 p.m. to 4:00 p.m. EST, the Committee

will again convene a closed session to hear from a Veterans panel discussion on sensitive or Veterans' privacy and personal information; and will reconvene publicly again at 4:00 p.m. EST for a Committee discussion and meeting adjournment.

On February 6, 2025, the entire day will be open to the public and will consist of presentations and discussions with Designated Federal Officers from other VA Federal advisory committees, as well as a committee discussion focused on mapping out the upcoming annual report.

Time will be allotted for the public to provide comments starting at 3:30 p.m. EST and ending no later than 4:00 p.m. EST. The comment period may end sooner if no comments are presented or they are exhausted before the end time. Individuals interested in providing comments during the public comment period are allowed no more than three minutes or their statements. Additionally, the Committee will accept written comments from interested parties on issues outlined in the meeting agenda or other issues regarding the readjustment of Veterans. Parties should contact Mr. Joshua Mathis via email at [Joshua.Mathis@va.gov](mailto:Joshua.Mathis@va.gov) or by mail at Department of Veterans Affairs, Readjustment Counseling Service (10RCS), 810 Vermont Avenue, Washington, DC 20420.

Any member of the public seeking additional information should contact

Mr. Mathis at the email address noted above.

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**February 5, 2025**

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**February 6, 2025**

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Dated: January 16, 2025.

**Jelessa M. Burney,**  
*Federal Advisory Committee Management Officer.*

[FR Doc. 2025-01520 Filed 1-22-25; 8:45 am]

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