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Presidential Documents

Title 3—

The President

Executive Order 14196 of February 3, 2025

A Plan for Establishing a United States Sovereign Wealth Fund

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to promote the long-term financial health and international leadership of the United States, it is hereby ordered:

Section 1. *Policy and Purpose.* It is the policy of the United States to maximize the stewardship of our national wealth for the sole benefit of American citizens. To this end, it is in the interest of the American people that the Federal Government establish a sovereign wealth fund to promote fiscal sustainability, lessen the burden of taxes on American families and small businesses, establish economic security for future generations, and promote United States economic and strategic leadership internationally.

Sec. 2. *Sovereign Wealth Fund.* The Secretary of the Treasury and the Secretary of Commerce, in close coordination with the Assistant to the President for Economic Policy, shall develop a plan for the establishment of a sovereign wealth fund consistent with section 1 of this order. The Secretary of the Treasury and the Secretary of Commerce shall jointly submit this plan to the President within 90 days of the date of this order. Such plan shall include recommendations for funding mechanisms, investment strategies, fund structure, and a governance model. The plan shall also include an evaluation of the legal considerations for establishing and managing such a fund, including any need for legislation.

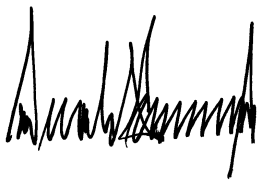
Sec. 3. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 3, 2025.

[FR Doc. 2025–02477
Filed 2–7–25; 8:45 am]
Billing code 3395–F4–P

Presidential Documents

Executive Order 14197 of February 3, 2025

Progress on the Situation at Our Northern Border

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Background.* On February 1, 2025, I determined that the failure of Canada to arrest, seize, detain, or otherwise intercept drug trafficking organizations, other drug and human traffickers, criminals at large, and illicit drugs constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States. To address that threat, I invoked my authority under section 1702(a)(1)(B) of IEEPA to impose ad valorem tariffs on articles that are products of Canada.

Sec. 2. *Immediate Steps.* Pursuant to section 3 of my Executive Order of February 1, 2025, titled ''Imposing Duties to Address the Situation at Our Northern Border'' (''the Executive Order of February 1, 2025''), I have determined that the Government of Canada has taken immediate steps designed to alleviate the illegal migration and illicit drug crisis through cooperative actions. Further time is needed, however, to assess whether these steps constitute sufficient action to alleviate the crisis and resolve the unusual and extraordinary threat beyond our northern border.

Sec. 3. *Pause.* (a) In recognition of the steps taken by the Government of Canada, and in order to assess whether the threat described in section 1 of this order has abated, the additional 25 percent ad valorem rates of duty, and 10 percent ad valorem rates of duty as to energy products, shall be paused and will not take effect until March 4, 2025, at 12:01 a.m. eastern time. Accordingly, section 2(a), section 2(b), section 2(e), and section 2(f) of the Executive Order of February 1, 2025, are amended by striking the term ''February 4, 2025,'' where it appears in those sections and inserting in lieu thereof the term ''March 4, 2025.'' The exceptions set forth in section 2(a) and section 2(b) of the Executive Order of February 1, 2025, related to covered goods loaded onto a vessel at a port of entry or in transit on the final mode of transport prior to entry into the United States are, hereby, withdrawn.

(b) During this pause, the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Assistant to the President for National Security Affairs, and the Assistant to the President for Homeland Security shall continue to assess the situation at our northern border, as provided in section 3 of the Executive Order of February 1, 2025.

(c) If the illegal migration and illicit drug crises worsen, and if the Government of Canada fails to take sufficient steps to alleviate these crises, the President shall take necessary steps to address the situation, including by immediate implementation of the tariffs described in the Executive Order of February 1, 2025.

Sec. 4. *Severability.* If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the

remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

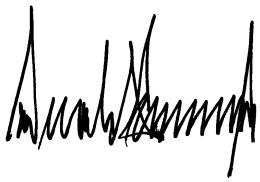
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 3, 2025.

[FR Doc. 2025–02478
Filed 2–7–25; 8:45 am]
Billing code 3395–F4–P

Presidential Documents

Executive Order 14198 of February 3, 2025

Progress on the Situation at Our Southern Border

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*) (IEEPA), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), section 604 of the Trade Act of 1974, as amended (19 U.S.C. 2483), and section 301 of title 3, United States Code, it is hereby ordered:

Section 1. *Background.* On February 1, 2025, I determined that the failure of Mexico to arrest, seize, detain, or otherwise intercept Mexican drug trafficking organizations, other drug and human traffickers, criminals at large, and illicit drugs constitutes an unusual and extraordinary threat, which has its source in substantial part outside the United States, to the national security, foreign policy, and economy of the United States. To address that threat, I invoked my authority under section 1702(a)(1)(B) of IEEPA to impose ad valorem tariffs on articles that are products of Mexico.

Sec. 2. *Immediate Steps.* Pursuant to section 3 of my Executive Order of February 1, 2025, titled ''Imposing Duties to Address the Situation at Our Southern Border'' (''the Executive Order of February 1, 2025''), I have determined that the Government of Mexico has taken immediate steps designed to alleviate the illegal migration and illicit drug crisis through cooperative actions. Further time is needed, however, to assess whether these steps constitute sufficient action to alleviate the crisis and resolve the unusual and extraordinary threat beyond our southern border.

Sec. 3. *Pause.* (a) In recognition of the steps taken by the Government of Mexico, and in order to assess whether the threat described in section 1 of this order has abated, the additional 25 percent ad valorem rate of duty shall be paused and will not take effect until March 4, 2025, at 12:01 a.m. eastern time. Accordingly, sections 2(a), section 2(d), and section 2(e) of the Executive Order of February 1, 2025, are amended by striking the term ''February 4, 2025,'' where it appears in those sections and inserting in lieu thereof the term ''March, 4, 2025.'' The exceptions set forth in section 2(a) of the Executive Order of February 1, 2025, related to covered goods loaded onto a vessel at a port of entry or in transit on the final mode of transport prior to entry into the United States are, hereby, withdrawn.

(b) During this pause, the Secretary of Homeland Security, in consultation with the Secretary of State, the Attorney General, the Assistant to the President for National Security Affairs, and the Assistant to the President for Homeland Security, shall continue to assess the situation at our southern border, as provided in section 3 of the Executive Order of February 1, 2025.

(c) If the illegal migration and illicit drug crises worsen, and if the Government of Mexico fails to take sufficient steps to alleviate these crises, the President shall take necessary steps to address the situation, including by immediate implementation of the tariffs described in the Executive Order of February 1, 2025.

Sec. 4. *Severability.* If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

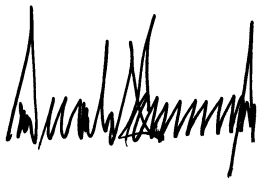
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 3, 2025.

[FR Doc. 2025–02479
Filed 2–7–25; 8:45 am]
Billing code 3395–F4–P

Rules and Regulations

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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.

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 58

[Doc. No. AMS–DA–22–0064]

RIN 0581–AE20

Plant Records To Include Grade Label Butterfat Testing

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date of the January 16, 2025, final rule that adopted amendments to the plant records requirement for the Agricultural Marketing Service (AMS) Dairy Grading and Inspection Program. The amendments allow butterfat tests to be performed at an in-house or approved third party laboratory and add a requirement for plants to maintain and make such records available for examination by a United States Department of Agriculture (USDA) inspector. These amendments increase efficiency by conforming to current industry practice.

DATES: As of February 10, 2025, the effective date of the final rule amending 7 CFR part 58, published on January 16, 2025 (90 FR 4585), is delayed until March 21, 2025.

FOR FURTHER INFORMATION CONTACT: Whitney Rick, Grading and Standardization Division, Dairy Program, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2530-South Building, Mail Stop 0225, 1400 Independence Avenue SW, Washington, DC 20250–0230: Telephone: (202) 236–8241; Email: *Whitney.Rick@usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the memorandum of January 20, 2025, from the President to executive departments and agencies, entitled ''Regulatory Freeze Pending Review,'' [1] this document temporarily delays the effective date of the rule titled, ''Plant Records to Include Grade Label Butterfat Testing,'' which was published in the **Federal Register** on January 16, 2025 (90 FR 4585). The rule adopted amendments to the plant records requirement for the Agricultural Marketing Service (AMS) Dairy Grading and Inspection Program. The amendments allow butterfat tests to be performed at an in-house or approved third party laboratory and add a requirement for plants to maintain and make such records available for examination by a United States Department of Agriculture (USDA) inspector. These amendments increase efficiency by conforming to current industry practice.

This action is exempt from notice and comment under 5 U.S.C. 553 and is applicable immediately upon publication in the **Federal Register**, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), respectively. Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the President's memorandum of January 20, 2025. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–02412 Filed 2–6–25; 8:45 am]

BILLING CODE P

[1] *https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/.*

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 205

[Doc. No. AMS–NOP–22–0063]

RIN 0581–AE13

National Organic Program; Market Development for Mushrooms and Pet Food

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date of the December 23, 2024, final rule that amended USDA's organic regulations to clarify standards for organic mushrooms and organic pet food. The topics addressed by the rule include mushroom substrate composition and sourcing of mushroom spawn in organic mushroom production; composting requirements for organic mushroom production; composition and labeling requirements for organic pet food; and the use of certain synthetic substances, including taurine, in organic pet food.

DATES:

Effective date: As of February 10, 2025, the effective date of the final rule amending 7 CFR part 205, published on December 23, 2024 (89 FR 104367), is delayed until March 21, 2025.

Compliance Date: Organic operations must comply with the requirements of this rule by March 22, 2027.

FOR FURTHER INFORMATION CONTACT: Erin Healy, Director, Standards Division, National Organic Program. Telephone: 202–720–3252. Email: *Erin.Healy@usda.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the memorandum of January 20, 2025, from the President to executive departments and agencies, entitled ''Regulatory Freeze Pending Review,'' [1] this document temporarily delays the effective date of the rule titled, ''National Organic Program; Market Development for Mushrooms and Pet Food,'' which was published in the **Federal Register** on December 23, 2024 (89 FR 104367). The rule amended the USDA organic regulations to clarify

[1] *https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/.*

standards for organic mushrooms and organic pet food. The topics addressed by the rule include mushroom substrate composition and sourcing of mushroom spawn in organic mushroom production; composting requirements for organic mushroom production; composition and labeling requirements for organic pet food; and the use of certain synthetic substances, including taurine, in organic pet food.

This action is exempt from notice and comment under 5 U.S.C. 553 and is applicable immediately upon publication in the **Federal Register**, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), respectively. Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the President's memorandum of January 20, 2025. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–02411 Filed 2–6–25; 8:45 am]

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DEPARTMENT OF AGRICULTURE

Federal Crop Insurance Corporation

7 CFR Parts 407 and 457

[Docket ID FCIC–24–0005]

RIN 0563–AC86

Flax Revenue and Expanded Unit Options for Crop Insurance

AGENCY: Federal Crop Insurance Corporation, USDA.

ACTION: Final rule with request for comments; reopening of comment period.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) is reopening the comment period for 30 days to allow the public additional time to provide comments on our regulation that allowed revenue coverage for flax under the Small Grain Crop Insurance Provisions, combined written agreement deadlines in the Dry Bean Crop Insurance Provisions to match other insurance policies, expanded the availability of enterprise and optional units for some specialty and perennial crops, and made clarifications and corrections to the Area Risk Protection Insurance, Basic Provisions; Common Crop Insurance Policy, Basic Provisions; and several Crop Provisions published on November 27, 2024 and effective on November 30, 2024.

DATES: The comment period for the final rule with request for comments, published on November 27, 2024, (89 FR 93463–93470), is reopened. We will consider comments that we receive by March 12, 2025.

ADDRESSES: We invite you to submit comments on this rule. You may submit comments by going through the Federal eRulemaking Portal as follows:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov* and search for Docket ID FCIC–24–0005. Follow the instructions for submitting comments.

All comments will be posted without change and will be publicly available on *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Chandra Place; telephone (816) 926–3875; or email *chandra.place@usda.gov.* Persons with disabilities who require alternative means for communication should contact the USDA Target Center at (202) 720–2600 or (844) 433–2774 (toll-free nationwide).

SUPPLEMENTARY INFORMATION: We are reopening the comment period for the final rule with request for comment that was published on November 27, 2024, (89 FR 93463–93470).

The comment period closed on January 27, 2025.

In the spirit of the Presidential Memorandum, titled Regulatory Freeze Pending Review, signed on January 20, 2025, we are providing an additional 30 days to allow the public to comment on this rule.

Heather Manzano,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 2025–02308 Filed 2–7–25; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 1222

[Doc. No. AMS–SC–23–0080]

Paper and Paper-Based Packaging Promotion, Research and Information Order; Clarifying Changes

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule; delay of effective date.

SUMMARY: This document delays the effective date of the January 21, 2025, final rule revising the regulations related to the Paper and Paper-Based Packaging Promotion, Research and Information Order (Order). The amendments included an added definition for partnership; clarification of the nominations process; clarification about in person and electronic voting for any Board meetings; an update of the timing of financial reporting; and a revision of requirements for when exemptions can be requested.

DATES: As of February 10, 2025, the effective date of the final rule amending 7 CFR part 1222, published on January 21, 2025 (90 FR 6779), is delayed until March 21, 2025.

FOR FURTHER INFORMATION CONTACT: The Standardization Branch, Specialty Crops Inspection Division, Specialty Crops Program, Agricultural Marketing Service, U.S. Department of Agriculture, National Training and Development Center; 100 Riverside Parkway, Suite 101; Fredericksburg, Virginia 22406; fax: (540) 361–1199, or via the internet at: *https://www.regulations.gov.*

SUPPLEMENTARY INFORMATION: In accordance with the memorandum of January 20, 2025, from the President to executive departments and agencies, entitled ''Regulatory Freeze Pending Review,'' [1] this document temporarily delays the effective date of the rule titled, ''Paper and Paper-Based Packaging Promotion, Research and Information Order; Clarifying Changes,'' which was published in the **Federal Register** on January 21, 2025 (90 FR 6779). The rule made multiple clarifying amendments to the Order to bring it up to date with current industry practices. These amendments included an added definition for partnership; clarification on the nomination process; clarification of language about in person and electronic voting for any Board meetings; an update of the timing of

[1] *https://www.whitehouse.gov/presidential-actions/2025/01/regulatory-freeze-pending-review/.*

financial reporting; and revised requirements concerning when exemptions may be requested. The Board, which is composed of domestic manufacturers from across the country and importers, unanimously recommended the changes to the Order on August 19, 2023.

This action is exempt from notice and comment under 5 U.S.C. 553 and is applicable immediately upon publication in the **Federal Register**, based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3), respectively. Seeking public comment is impracticable, unnecessary, and contrary to the public interest. The temporary delay in effective date is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the President's memorandum of January 20, 2025. Given the imminence of the effective date, seeking prior public comment on this temporary delay would have been impractical, as well as contrary to the public interest in the orderly promulgation and implementation of regulations. The imminence of the effective date is also good cause for making this action effective immediately upon publication.

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2025–02423 Filed 2–6–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1993; Project Identifier AD–2023–00129–T; Amendment 39–22940; AD 2025–02–07]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2020–03–20, which applied to certain The Boeing Company Model MD–11, MD–11F, and 717–200 airplanes; all Model 737–8 and 737–9 airplanes; all Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; certain Model 747–400 and 747–400F series airplanes; certain Model 757 and 767 airplanes; and all Model 777 airplanes. AD 2020–03–20 required revising the existing airplane flight manual (AFM) to include a limitation to prohibit operations that require less than 0.3 required navigational performance (RNP) within a specified area for airplanes having a certain multimode receiver (MMR) with certain software installed. This AD was prompted by reports from Boeing of simultaneous MMR resets related to an error in calculating Coordinated Universal Time (UTC). This AD requires the actions in AD 2020–03–20, removes an airplane model from the applicability, and would also require installing certain MMR operational software (OPS). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1993; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–1993.

FOR FURTHER INFORMATION CONTACT: Douglas Tsuji, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3548; *Douglas.Tsuji@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2020–03–20, Amendment 39–19844 (85 FR 8717, February 18, 2020) (AD 2020–03–20). AD 2020–03–20 applied to certain The Boeing Company Model MD–11, MD–11F, and 717–200 airplanes; all Model 737–8 and 737–9 airplanes; all Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes; certain Model 747–400 and 747–400F series airplanes; certain Model 757 and 767 airplanes; and all Model 777 airplanes. The NPRM published in the **Federal Register** on December 12, 2023 (88 FR 86073). The NPRM was prompted by reports from Boeing of simultaneous MMR resets related to an error in calculating UTC. In the NPRM, the FAA proposed to continue to require the actions in AD 2020–03–20 and to require installing certain MMR OPS. The FAA is issuing this AD to address loss of GPS data and degraded GPS positional accuracy, which, during a high-precision approach with this GPS error, could result in controlled flight into terrain, and to address UTC calculation errors that could result in simultaneous MMR resets on multiple airplanes, increased air traffic control workload, and consequent reduction in airplane separation and potential for mid-air collision.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Line Pilots Association, International, who supported the NPRM without change.

The FAA received additional comments from ten commenters: American Airlines, Aviation Partners Boeing (APB), Boeing, Delta Air Lines (Delta), FedEx, Korean Air, Ryanair, SIA Engineering, United Parcel Service (UPS) Air, and an individual. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Clarification of Applicability in Regards to Installed MMR Part Numbers and Software Versions

American Airlines requested a revision to paragraph (c) of the proposed AD to clarify that only airplanes on which Collins GLU–2100 MMR having P/N 822–2532–100 and a software version earlier than COL4C–0087–0003 are installed are affected by the proposed requirements. American Airlines suggested revising the text of paragraph (c) of the proposed AD to specify only Collins GLU–2100 MMR part number and ''34 MMR OPS'' software versions that are earlier than the required software version.

The FAA agrees to clarify which airplane MMR and software configurations are affected by the requirements of this AD. The FAA has revised paragraph (c) of this AD to specify the Collins CLU–2100 MMR, having P/N 822–2532–100, with a software version earlier than COL4C–0087–0003.

Request To Exclude Certain Configurations of Airplanes

FedEx requested revising paragraphs (c)(1) through (9) of the proposed AD to add the phrase ''having MMRs with OPS software shown in Figure 1 to Paragraph (g).'' FedEx explained that without the proposed wording, the proposed applicability could lead to unnecessary work on airplanes that are already in compliance with the proposed requirements.

The FAA agrees to revise paragraphs (c)(1) through (9) of this AD to add clarity on affected airplanes. As stated previously, the FAA has revised paragraph (c) of this AD to specify that the applicability includes airplanes equipped with Collins GLU–2100 MMR, having P/N 822–2532–100, with a software version earlier than COL4C–0087–0003.

Request To Align Applicability of This AD With AD 2020–03–20

Korean Airlines requested a revision to the applicability of paragraphs (h) and (i) of the proposed AD to align it with the applicability of paragraph (g) of the proposed AD. Korean Airlines noted that paragraph (g) of AD 2020–03–20 was applicable to airplanes equipped with Collins GLU–2100 MMR having P/N 822–2532–100. Korean Airlines requested that the same applicability restriction be applied to paragraphs (h) and (i) of the proposed AD.

The FAA agrees with the request. Paragraphs (h) and (i) of this AD are intended only for those airplanes equipped with a Collins GLU–2100 MMR having P/N 822–2532–100. Paragraphs (h) and (i) of this AD have been revised to clarify airplane applicability.

Request To Clarify Affected Configurations

Ryanair requested clarification on what configuration of Model 737–600, –700, –700C, –800, and –900 series airplanes are affected by the proposed requirements of paragraph (h) of the proposed AD. Ryanair pointed out that paragraph (c)(4) of the proposed AD includes all of the Model 737–600, 700, –700C, –800, and –900 series airplanes regardless of whether a Collins MMR was installed on those airplanes. Ryanair contrasted that with paragraphs (g) and (h) of the proposed AD, where paragraph (g) restricted the required actions to those airplane configurations equipped with the Collins GLU–2100 MMR, P/N 822–2532–100, with an applicable GLU–2100 OPS. Ryanair noted that paragraph (h) of the proposed AD would require installation of the OPS P/N COL4C–0087–0003, on airplanes identified in paragraphs (h)(1) through (7) of the proposed AD, but paragraph (h)(3) of the proposed AD identified the Model 737–600, –700, –700C, –800, and –900 series airplanes without specifying the Collins MMR configuration. Ryanair explained that OPS P/N COL4C–0087–0003 is applicable only to Collins MMRs.

The FAA agrees to revise the applicability for clarification. As stated previously, the FAA has revised paragraphs (c) and (h) of this AD to specify the affected Collins MMR hardware and software configuration. This change results in only that configuration being affected by the requirements of this AD.

Request To Clarify Scope of Affected Collins MMRs

SIA Engineering requested clarification on which Collins MMRs are affected by the proposed requirements of paragraph (h) of the proposed AD. SIA Engineering stated that paragraph (h) of the proposed AD would require installation of the MMR OPS P/N COL4C–0087–0003 or later-approved software version. SIA Engineering requested information on whether the requirements of paragraph (h) of the proposed AD would apply only to Collins GLU–2100 MMR, P/N 822–2532–100, that are installed on the airplanes identified in paragraphs (h)(1) through (7) of the proposed AD, or if the requirements would apply to any other Collins MMR installed on those identified airplanes.

The FAA agrees to clarify. The requirements of paragraph (h) of this AD are intended to apply only to the Collins GLU–2100 MMR having P/N 822–2532–100 installed on the identified airplanes. As stated previously, the FAA has revised paragraphs (c) and (h) of this AD to specify the affected Collins MMR hardware and software configuration.

Request To Revise Applicability or Provide Credit

UPS Airlines requested that airplanes that were delivered with the Collins GLU–2100 MMU having OPS P/N COL4C–0087–0003 installed, or modified with the same MMU and OPS software via STC ST01943WI, be excluded from the applicability of the proposed AD. UPS Airlines also stated that if the request for exclusion cannot be granted, the FAA provide credit instead and also provide credit for the requirements of paragraph (g) of the proposed AD for airplanes if the AFM revision was previously removed as authorized via an alternative method of compliance (AMOC) to AD 2020–03–20.

The FAA partially agrees with the request. The intent of this AD is to require the software update. The FAA has revised paragraph (c) of this AD to restrict the applicability to airplanes with the affected Collins MMR software configuration. This change results in having only airplanes with that configuration being affected by the requirements of this AD. Paragraph (k) of this AD provides for terminating the AFM revision required by paragraph (g) of this AD after the software installation specified in paragraph (h) or (i) of this AD. Paragraph (f) of this AD provides relief for required actions that are accomplished before the effective date of this AD. In addition, Paragraph (m)(4) has been added to this AD to specify that AMOCs approved for AD 2020–03–20 are approved as AMOCs for the corresponding provisions of this AD.

Request To Clarify Terminating Action

American Airlines requested a revision to paragraph (g) of the proposed AD to clarify that accomplishing the actions in paragraph (h) or (i) of the proposed AD would mean the AFM revision requirement specified in paragraph (g) of the proposed AD would not be required.

The FAA disagrees. The FAA considers paragraphs (f) and (k) of this AD to be equivalents to the requested change. Paragraph (f) of this AD provides relief for actions done prior to the effective date of this AD, and paragraph (k) of this AD specifies that the AFM revision may be removed. The AD has not been revised in this regard.

Request To Clarify Contents of Service Bulletins

American Airlines requested a revision to paragraph (i) of the proposed AD to add a phrase that describes the software version specified by the requirements bulletins. American Airlines stated that this would clarify that the required software for compliance with the proposed AD is installed by the steps specified in the requirement bulletins.

The FAA disagrees with revising the AD as suggested by American Airlines. This information is described in the Material Incorporated by Reference under 1 CFR part 51 section of both the proposed AD and this AD; that material

is required by paragraph (i) of this AD. The FAA has not changed this AD in this regard.

Effects of Winglets on Accomplishment of Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST00830SE, ST01218SE, or ST01920SE does not affect the accomplishment of the manufacturer's service instructions.

The FAA agrees with the commenter that STCs ST00830SE, ST01218SE, and ST01920SE do not affect the accomplishment of the manufacturer's service instructions. Therefore, the installation of STC ST00830SE, ST01218SE, or ST01920SE does not affect the ability to accomplish the actions required by this AD. The FAA has not changed this AD in this regard.

Request To Provide Information on Which Methods Would Be Approved

Delta requested clarification on what methods would be approved by the Manager, AIR–520, FAA, to meet the requirements for installation and check of MMR OPS P/N COL4C–0087–0003 as proposed in paragraph (h) of the proposed AD. Delta requested that the installation and check procedures identified in STCs ST04436AT and ST04416AT be identified as approved methods. Delta suggested adding ''in accordance with applicable STCs'' in the second sentence of paragraph (h) of the proposed AD.

The FAA disagrees with the request to revise paragraph (h) of this AD to add the phrase ''in accordance with applicable STCs.'' The FAA would need to evaluate individual STCs to consider an STC to be an acceptable means of compliance that contains the necessary installation and check procedures. Operators may use the AMOC procedures specified in paragraph (m) of this AD to submit, for example, STC ST04436AT or ST04416AT as a proposed AMOC. No change to this AD is necessary in this regard.

Request To Clarify Which Airplanes Are Identified in Paragraph (h)(3) of This AD

Delta requested clarification on whether all of the airplanes identified in paragraph (h)(3) of the proposed AD would be required to do the actions proposed in paragraph (h) of the proposed AD. Delta pointed out that, unlike paragraphs (h)(1), (2), (4), (5), and (6) of the proposed AD, paragraph (h)(3) of the proposed AD does not identify Model 737–600, –700, –700C, –800, and –900 series airplanes as being modified by an STC, specifically, STC ST04436AT. Delta also stated that it seems Model 737–900ER series airplanes have been omitted from paragraph (h)(3) of the proposed AD.

The FAA provides the following clarification of the airplanes affected by paragraph (h)(3) of this AD. Because there are Model 737–600, –700, –700C, 800, –900, and –900ER series airplanes that had the Rockwell Collins GLU–2100 installed by STC and Model 737–900ER series airplanes identified by Boeing Alert Requirements Bulletin 737–34A3572 RB, paragraphs (h)(3) and (i)(2) are intended to be applicable to these aircraft, respectively. Paragraph (h) of this AD requires the software to be installed in accordance with a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA. Paragraph (h)(3) of this AD has been revised to include Model 737–900ER series airplanes that have been modified by STC ST04436AT. Operators may request an AMOC in accordance with the procedures specified in paragraph (m) of this AD.

Request for Clarification on Which Model 737–8 and –9 Series Airplanes Are Affected by Paragraph (i)(1) of This AD

Delta requested clarification on the Model 737–8 and –9 series airplanes identified in paragraph (i)(1) of the proposed AD. Delta sought clarity on whether the proposed actions in paragraph (i)(1) of the proposed AD are applicable to Model 737–8 and –9 airplanes identified in Boeing Alert Requirements Bulletin 737–34A3572 only or applicable to any Model 737–8 or –9 series airplane that is equipped with a GLU–2100 MMR.

The FAA provides the following clarification. As indicated in the introductory text to paragraph (i) of this AD, paragraph (i)(1) of this AD is limited to Model 737–8 and –9 series airplanes equipped with a Collins GLU–2100 MMR, part number (P/N) 822–2532–100, having any applicable GLU–2100 operational software (OPS). No change to this AD is necessary in this regard.

Request To Clarify Affected Model 737–900ER Airplanes for Paragraph (i)(2) of This AD

Delta requested clarification on the Model 737–900ER series airplanes identified in paragraph (i)(2) of the proposed AD. Delta sought clarity on whether the proposed actions in paragraph (i)(2) of the proposed AD are applicable to Model 737–900ER series airplanes identified in Boeing Alert Requirements Bulletin 737–34A3573 only or applicable to any Model 737–900ER series airplane that is equipped with a GLU–2100 MMR. Delta stated that it is concerned that the paragraph, as written, would only apply to a subset of 737–900ER series airplanes that are identified in the Boeing requirements bulletin and not to airplanes that would be modified by STC ST04436AT and subsequently have a GLU–2100 MMR installed.

The FAA provides the following clarification. Paragraph (i)(2) of this AD applies to those Model 737–900ER series airplanes identified in Boeing Alert Requirements Bulletin 737–34A3572 RB. No change to this AD in this regard.

Request To Provide Clarification on Showing Compliance for Actions Accomplished Prior to Effective Date

Delta requested clarification on how to show compliance with the proposed requirements in paragraph (h) of the proposed AD. Delta stated a concern for airplanes modified to be equipped with the approved part number (MMR OPS P/N COL4C–0087–0003 or later version) but were modified before the effective date of the AD. Delta requested revising the proposed AD to allow a review of airplane maintenance records.

The FAA provides the following clarification. Airplanes equipped with the approved part number (MMR OPS P/N COL4C–0087–0003 or later version) are in compliance with this AD. Paragraph (f) of this AD provides relief for actions done prior to the effective date of this AD. No change to this AD is necessary in this regard.

Request To Remove Model 767–2C From Proposed AD

Boeing requested that Model 767–2C series airplanes be removed from the applicability and other paragraphs of the proposed AD such as in the Summary and Background of the NPRM, and figure 1 to paragraph (g) of the proposed AD. Boeing explained that the GLU–2100 MMR had not been certified for installation or use on Model 767–2C series airplanes.

The FAA agrees to remove reference to Model 767–2C series airplanes from paragraph (c)(7) of this AD and figure 1 to paragraph (g) of this AD. The FAA has revised paragraph (c)(7), figure 1 to paragraph (g), and paragraph (h)(6) of this AD.

Request To Clarify Software Requirements

UPS Airlines requested a clarification on the software requirements in the third sentence of paragraph (h) of the proposed AD. UPS Airlines noted that paragraph (h) of the proposed AD

referred to ''Boeing software versions'' when defining later-approved software versions. UPS Airlines asked if the FAA means MMR OPS software versions intended for Boeing airplane models or if the FAA means Boeing-approved software versions. UPS Airlines noted that operators who used the STCs are using OPS software under a Collins STC, not a Boeing STC. UPS Airlines suggested that the FAA either remove the reference to Boeing or change the reference to Boeing/Collins.

The FAA provides the following clarification. The proposed requirements would have meant only Boeing-approved software versions. The FAA has revised paragraph (h) of this AD to include Collins-approved software versions.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following Boeing requirements bulletins:

- Boeing Alert Requirements Bulletin 737–34A3572 RB, dated October 15, 2020.
- Boeing Alert Requirements Bulletin 737–34A3573 RB, dated August 5, 2020.
- Boeing Alert Requirements Bulletin 777–34A0385 RB, Revision 1, dated March 8, 2021.

This material specifies procedures for installation of MMR OPS part number (P/N) COL4C–0087–0003 (or later-approved software P/N) in MMR 1 and MMR 2, installation of MMR option selection software (OSS) P/N BCG27–U000–0730 or BCG48–U000–05W9, and software configuration checks. This material also specifies taking concurrent actions, including replacement of MMRs, replacement of GPS antennas, and installation of additional software.

These documents are distinct since they apply to different airplane models and configurations. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 409 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision (retained action from AD 2020–03–20).	1 work-hour × $85 per hour = $85	$0	$85	$34,765.
Software installation and check (new action)	2 work-hours × $85 per hour = $170	265	435	$177,915.
Concurrent actions	5 work-hours × $85 = $425	795	1,220	Up to $498,980.*

* Not all airplanes would be required to do the concurrent actions. However, the FAA does not have an estimate of how many airplanes are in a configuration that would require concurrent actions.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–03–20, Amendment 39–19844 (85 FR 8717, February 18, 2020); and

■ b. Adding the following new AD:

2025–02–07 The Boeing Company: Amendment 39–22940; Docket No. FAA–2023–1993; Project Identifier AD–2023–00129–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

This AD replaces AD 2020–03–20, Amendment 39–19844 (85 FR 8717, February 18, 2020) (AD 2020–03–20).

(c) Applicability

This AD applies to The Boeing Company airplanes, certificated in any category, as identified in paragraphs (c)(1) through (9) of this AD, on which Collins GLU–2100 MMR, P/N 822–2532–100, with a software version earlier than COL4C–0087–0003 is installed.

(1) Model MD–11 and MD–11F airplanes modified by supplemental type certificate (STC) ST01895WI.

(2) Model 717–200 airplanes modified by STC ST04416AT.

(3) All Model 737–8 and 737–9 airplanes.

(4) All Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes.

(5) Model 747–400 and 747–400F series airplanes modified by STC ST01892WI.

(6) Model 757–200, –200PF, –200CB, and –300 series airplanes modified by STC ST04436AT.

(7) Model 767–200, –300, –300F, and –400ER series airplanes modified by STC ST04436AT or ST01883WI.

(8) All Model 777–200, –200LR, –300, and –300ER series airplanes.

(9) All Model 777F series airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 34, Navigation.

(e) Unsafe Condition

This AD was prompted by reports of the loss of global positioning system (GPS) data or degraded GPS positional accuracy and additional reports of an error in calculating Coordinated Universal Time (UTC) while using a certain multi-mode receiver (MMR) with certain software installed. The FAA is issuing this AD to address loss of GPS data and degraded GPS positional accuracy, which, during a high-precision approach with this GPS error, could result in controlled flight into terrain, and to address UTC calculation errors that could result in simultaneous MMR resets on multiple airplanes, increased air traffic control workload, and consequent reduction in airplane separation and potential for mid-air collision.

(f) Compliance

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

(g) Retained Airplane Flight Manual (AFM) Revision, With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2020–03–20, with no changes. For airplanes equipped with Collins GLU–2100 MMR, part number (P/N) 822–2532–100, having any applicable GLU–2100 operational software (OPS) identified in figure 1 to paragraph (g) of this AD installed: At the applicable time specified in paragraphs (g)(1) and (2) of this AD, revise the limitations or certificate limitations section, as applicable, of the existing AFM to include the information specified in figure 2 to paragraph (g) of this AD and revise the procedures or normal procedures section, as applicable, of the existing AFM to include the information specified in figure 3 to paragraph (g) of this AD. This may be done by inserting a copy of figures 2 and 3 to paragraph (g) of this AD into the existing AFM.

(1) For Model 737–8 and 737–9 airplanes: Before further flight.

(2) For all airplanes except Model 737–8 and 737–9 airplanes: Within 7 days after February 18, 2020 (the effective date of AD 2020–03–20).

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Figure 1 to Paragraph (g)—Affected OPS Software

Airplanes	OPS Software Number
Model 777-200, 777-200LR, 777-300, 777-300ER, and 777F series airplanes	COL4D-0087-0002
Model 737-600, 737-700, 737-700C, 737-800, 737-900, and 737-900ER series airplanes; and Model 737-8, and 737-9 airplanes	COL4E-0087-0001
All airplanes	COL48-0087-0700
Model MD-11, MD-11F, and 717-200 airplanes; and Model 737-600, 737-700, 737-700C, 737-800, 737-900, 737-900ER, 747-400F, 747-400, 757-200, 757-200PF, 757-200CB, 757-300, 767-200, 767-300, 767-300F, 767-400ER, 777-200, 777-200LR, 777-300, 777-300ER, and 777F series airplanes	COL49-0087-0701

Figure 2 to Paragraph (g)—AFM—Limitations or Certificate Limitations

Electronics – Global Landing Unit (GLU) (Required by AD 2020-03-20)

Operations that require less than 0.3 RNP (For example, 0.1, 0.11, 0.15, etc.) in the region identified below are prohibited with GLU-2100 OPS software number COL4D-0087-0002, COL4E-0087-0001, COL48-0087-0700, or COL49-0087-0701 installed.

Exception: Anchorage (PANC) approach procedures that allow less than RNP 0.3 are authorized provided the instructions outlined in the Electronics – Global Landing Unit Section of Normal Procedures Chapter are followed.

Note: Currently, Fairbanks (PAFA) and Anchorage (PANC) are the only airports in the region with an RNP approach that requires better than 0.3 nmi performance.

Region bounded by the following coordinates:

Latitude Range (degrees)	**Longitude Range (degrees)**
80 N to 70 N	40 E to 40 W
70 N to 69 N	134.5 E to 134.38 W
69 N to 68 N	134.5 E to 137.28 W
68 N to 67 N	134.5 E to 139.50 W
67 N to 66 N	134.5 E to 141.58 W
66 N to 65 N	134.5 E to 144.23 W
65 N to 64 N	134.5 E to 145.48 W
64 N to 63 N	134.5 E to 146.44 W
63 N to 62 N	134.5 E to 148.33 W
62 N to 61 N	134.5 E to 149.50 W
61 N to 60 N	134.5 E to 150.35 W
60 N to 59 N	134.5 E to 151.00 W
59 N to 58 N	134.5 E to 151.40 W
58 N to 57 N	134.5 E to 152.62 W
57 N to 56 N	134.5 E to 153.42 W
56 N to 30 N	154 E to 154 W
30 N to 5 N	163 E to 163 W
5 N to 10 S	166 E to 166 W
10 S to 15 S	170 E to 170 W

Figure 2 to Paragraph (g)—AFM—Limitations or Certificate Limitations Continued

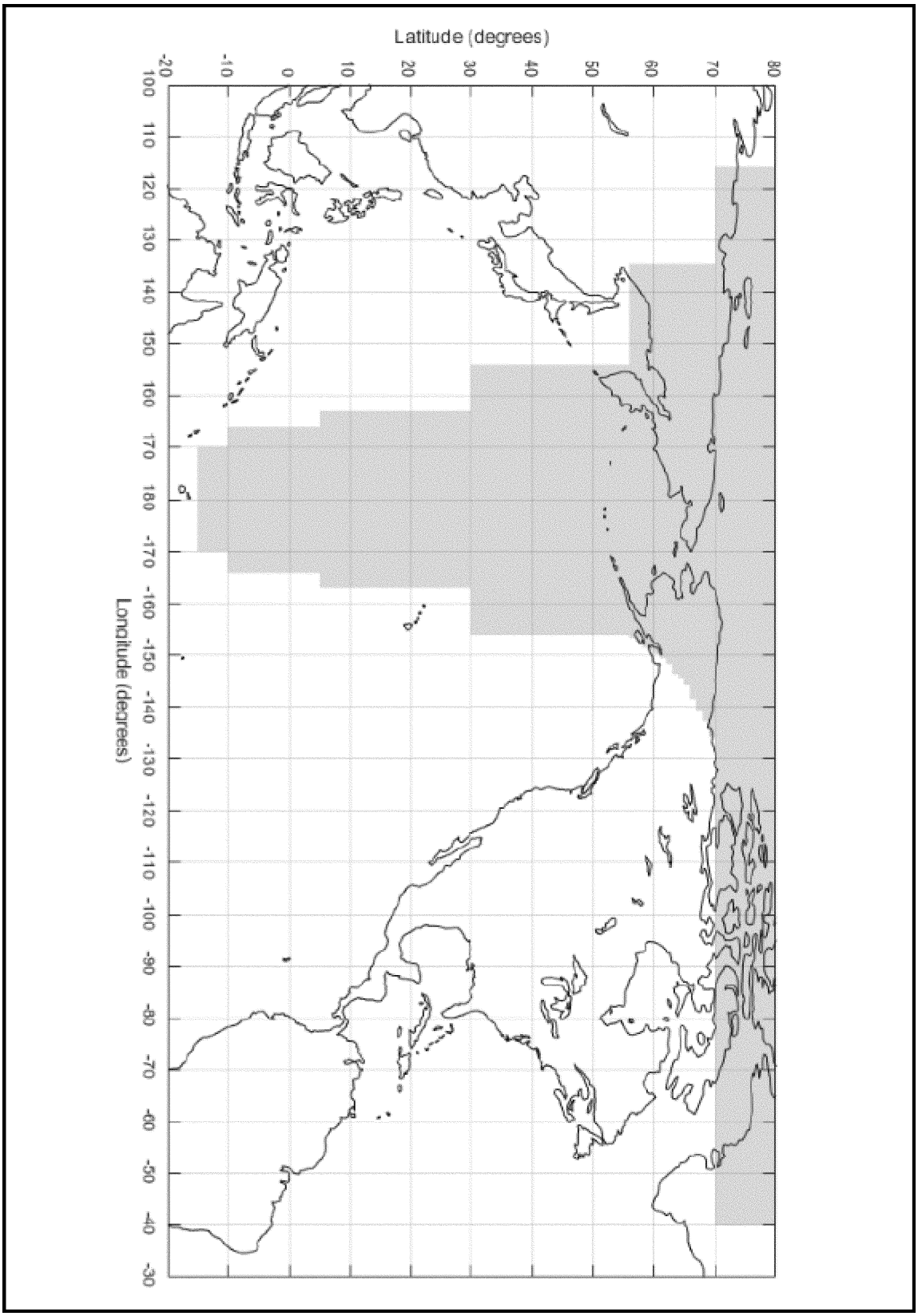

Figure 3 to Paragraph (g)—AFM—Procedures or Normal Procedures

Electronics – Global Landing Unit (GLU) **(Required by AD 2020-03-20)**

To conduct an approach procedure with GLU-2100 OPS software number COL4D-0087-0002, COL4E-0087-0001, COL48-0087-0700, or COL49-0087-0701, installed at Anchorage (PANC) with less than 0.3 RNP, accomplish the following prior to dispatch in accordance with AC 90-101A:

Perform a RNP GPS prediction to ensure the predicted availability of GPS Horizontal Integrity Limit (HIL) is less than MAX HIL for the planned operation time frame at Anchorage (PANC).

MAX HIL = 1.8 (RNP – 0.0726 nm) for LNAV with A/P engaged

MAX HIL = 1.8 (RNP – 0.0926 nm) for LNAV with F/D

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(h) Software Installation for Certain Airplanes

For airplanes identified in paragraphs (h)(1) through (7) of this AD with Collins GLU–2100 MMR, part number (P/N) 822–2532–100, having any applicable GLU–2100 operational software (OPS): Within 12 months after the effective date of this AD, install MMR OPS P/N COL4C–0087–0003, or later-approved software version, and do a software configuration check to confirm that P/N COL4C–0087–0003 or later-approved software version is installed. Both the installation and the check must be done in accordance with a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA. Later-approved software versions are those Boeing or Collins software versions that are approved as a replacement for MMR OPS P/N COL4C–0087–0003 and are approved as part of the type design by the FAA or by The Boeing Company Organization Designation Authorization (ODA).

(1) Model MD–11 and MD–11F airplanes modified by STC ST01895WI.

(2) Model 717–200 airplanes modified by STC ST04416AT.

(3) Model 737–600, –700, –700C, –800, –900, and –900ER series airplanes modified by STC ST04436AT.

(4) Model 747–400 and 747–400F series airplanes modified by STC ST01892WI.

(5) Model 757–200, –200PF, –200CB, and –300 series airplanes modified by STC ST04436AT.

(6) Model 767–200, –300, –300F, and –400ER series airplanes modified by STC ST04436AT or ST01883WI.

(7) Model 777–200, –200LR, and –300 series airplanes.

(i) Software Installation for Certain Other Airplanes

For Model 737–8 and –9 airplanes, Model 737–900ER series airplanes, and Model 777–300ER and 777F series airplanes equipped with Collins GLU–2100 MMR, part number (P/N) 822–2532–100, having any applicable GLU–2100 operational software (OPS): Within 12 months after the effective date of this AD, except as specified in paragraph (j) of this AD, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of the applicable requirements bulletin identified in paragraphs (i)(1) through (3) of this AD.

(1) For Model 737–8 and –9 airplanes: Boeing Alert Requirements Bulletin 737–34A3572 RB, dated October 15, 2020.

Note 1 to paragraph (i)(1): Guidance for accomplishing the actions required by paragraph (i)(1) of this AD can be found in Boeing Alert Service Bulletin 737–34A3572, dated October 15, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–34A3572 RB, dated October 15, 2020.

(2) For Model 737–900ER series airplanes: Boeing Alert Requirements Bulletin 737–34A3573 RB, dated August 5, 2020.

Note 2 to paragraph (i)(2): Guidance for accomplishing the actions required by paragraph (i)(2) of this AD can be found in Boeing Alert Service Bulletin 737–34A3573, dated August 5, 2020, which is referred to in Boeing Alert Requirements Bulletin 737–34A3573 RB, dated August 5, 2020.

(3) For Model 777–300ER and 777F series airplanes: Boeing Alert Requirements Bulletin 777–34A0385 RB, Revision 1, dated March 8, 2021.

Note 3 to paragraph (i)(3): Guidance for accomplishing the actions required by paragraph (i)(3) of this AD can be found in Boeing Alert Service Bulletin 777–34A0385, Revision 1, dated March 8, 2021, which is referred to in Boeing Alert Requirements Bulletin 777–34A0385 RB, Revision 1, dated March 8, 2021.

(j) Exceptions to Service Information Specifications

Where the requirements bulletins identified in paragraphs (i)(1) through (3) of this AD specify installing MMR option selection software (OSS) P/N BCG27–U000–0730 or BCG48–U000–05W9 and doing the associated software configuration check, this AD does not require those actions.

(k) Terminating Action

After accomplishing the actions required by paragraph (h) or (i) of this AD, as applicable, you may remove the AFM revision required by paragraph (g) of this AD.

(l) Credit for Previous Actions

This paragraph provides credit for the actions required by paragraph (i)(3) of this AD, if the actions were performed before the effective date of this AD using Boeing Alert Requirements Bulletin 777–34A0385 RB, dated August 7, 2020.

(m) 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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (n)(1) of this AD. Information may be emailed to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company ODA that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(4) AMOCs approved for AD 2020–03–20 are approved as AMOCs for the corresponding provisions of this AD.

(n) Related Information

(1) For more information about this AD, contact Douglas Tsuji, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3548; *Douglas.Tsuji@faa.gov.*

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

(o) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference of the 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) Boeing Alert Requirements Bulletin 737–34A3572 RB, dated October 15, 2020.

(ii) Boeing Alert Requirements Bulletin 737–34A3573 RB, dated August 5, 2020.

(iii) Boeing Alert Requirements Bulletin 777–34A0385 RB, Revision 1, dated March 8, 2021.

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

(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-locationsoremailfr.inspection@nara.gov.*

Issued on January 16, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02376 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1887; Project Identifier MCAI–2023–01237–T; Amendment 39–22929; AD 2025–01–05]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–25–07, which applied to all Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, –200 STD, and –200 LL airplanes. AD 2022–25–07 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD continues to require all actions in AD 2022–25–07 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, and certain structural modifications, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of January 23, 2023 (87 FR 77493, December 19, 2022).

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of February 10, 2020 (85 FR 453, January 6, 2020).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1887; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For ANAC material identified in this AD, contact National Civil Aviation Agency (ANAC), Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* website *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*
- For Embraer material, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 São Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *flyembraer.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1887.

FOR FURTHER INFORMATION CONTACT: Joshua Bragg, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 817–222–5366; email *joshua.k.bragg@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–25–07, Amendment 39–22263 (87 FR 77493, December 19, 2022) (AD 2022–25–07). AD 2022–25–07 applied to all Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, –200 STD, and –200 LL airplanes. AD 2022–25–07 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2022–25–07 to address fatigue cracking of various principal structural elements (PSEs); such cracking could result in reduced structural integrity of the airplane. AD 2022–25–07 addressed safety significant latent failures; such failures, in combination with one or more other specified failures or events, could result in a hazardous or catastrophic failure condition of avionics, hydraulic systems, fire detection systems, fuel systems, or other critical systems. Furthermore, AD 2022–25–07 addressed the potential ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions; such failures, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

The NPRM published in the **Federal Register** on July 18, 2024 (89 FR 58295). The NPRM was prompted by AD 2023–12–01, effective December 15, 2023, issued by ANAC, which is the aviation authority for Brazil (ANAC AD 2023–12–01) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed for Part 1—Certification Maintenance Requirements, Part 2—Airworthiness Limitation Inspections (ALI)—Structures, Part 3—Fuel System Limitation Items, and Part 4—Life Limited Items of the EMBRAER 170/175 maintenance review board report (MRBR). The MCAI also stated that only airplanes with certain serial numbers are affected.

In the NPRM, the FAA proposed to continue to require the airworthiness limitations specified in paragraphs (g) and (i) of AD 2022–25–07 until incorporation of the new or more restrictive airworthiness limitations and structural modifications, as specified in ANAC AD 2023–12–01 and required by paragraph (l) of this AD. The FAA is issuing this AD to address fatigue cracking of various principal structural elements (PSEs); such cracking could result in reduced structural integrity of the airplane. This AD also addresses safety significant latent failures; such failures, in combination with one or more other specified failures or events, could result in a hazardous or catastrophic failure condition of avionics, hydraulic systems, fire detection systems, fuel systems, or other critical systems. Furthermore, this AD addresses potential ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions; such failures, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1887.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from the Air Line Pilots Association, International (ALPA), who supported the NPRM without change.

The FAA received additional comments from Horizon Air. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Update MRB Revision

Horizon Air requested that the FAA update the revision for Appendix A—Airworthiness Limitations of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 14, dated September 27, 2018, to Revision 19, dated July 14, 2023, referenced in paragraphs (p)(5)(i) and (ii) of this AD. Horizon Air asserted that Revision 19 is required to be incorporated by the MCAI referenced in paragraph (l) of this AD.

FAA does not agree with the request. Appendix A—Airworthiness Limitations of EMBRAER 170/175 MRBR, MRB–1621, Revision 19, dated July 14, 2023, is not explicitly referenced in this AD, since this AD directs operators to comply with the MCAI, which is incorporated by reference in this AD. Therefore, Revision 19 of that MRB is not incorporated by reference. The only MRBR document explicitly referenced in the AD requirements is Revision 14, as specified in the retained requirements in paragraph (g) of this AD. This AD has not been changed regarding this request.

Request To Allow for Incorporation of Temporary Revisions (TRs)

Horizon stated that since the issuance of the MCAI, which requires Appendix A—Airworthiness Limitations of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 19, dated July 14, 2023, ANAC has issued two TRs, TR 19–1, dated October 31, 2023, and TR 19–2, dated March 21, 2024. Horizon requested that the FAA clarify whether paragraph (m)(2) of the proposed AD allows incorporating approved temporary revisions (TRs) of MRB–1621 subsequent to Revision 19, dated July 14, 2023. If TR 19–1 and 19–2 are not specifically allowed, Horizon requested that the proposed AD be revised to allow use of TR 19–1 and 19–2 and further revisions allowed by ANAC.

Paragraph (m)(2) of this AD allows the use of alternative inspections and intervals published in later ANAC-approved revisions. The operators are allowed to incorporate Revision 19 of the MRB as modified by TR 19–1 and TR 19–2. This AD has not been changed regarding this request.

Request To Terminate Exceptions Related to Retained Actions

Horizon requested that the FAA terminate the exceptions paragraphs related to retained actions. Horizon stated that the new actions in paragraph (l) of the proposed AD terminate the retained actions in paragraphs (g) and (i) of the AD. Those paragraphs had their own exceptions paragraphs that also carried over from AD 2022–25–07. Those exceptions paragraphs are no longer applicable.

The FAA agrees the retained restrictions and exceptions are no longer applicable once the terminating action is accomplished. The FAA does not agree with the need to terminate paragraphs (h), (j), and (k) of the AD because those provisions no longer apply once the actions of paragraph (l) of this AD are accomplished. This AD has not been changed regarding this request.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

ANAC AD 2023–12–01, effective December 15, 2023, specifies new or more restrictive airworthiness limitations for certification maintenance requirements, airplane structures, fuel systems, and safe life limits.

This AD also requires ANAC AD 2022–02–01, effective February 9, 2022, which the Director of the Federal Register approved for incorporation by reference as of January 23, 2023 (87 FR 77493, December 19, 2022).

This AD also requires Appendix A—Airworthiness Limitations of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 14, dated September 27, 2018; and Embraer Temporary Revision (TR) 14–1, dated November 13, 2018, to Part 4—Life-Limited Items, of Appendix A of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 14, dated September 27, 2018; which the Director of the Federal Register approved for incorporation by reference as of February 10, 2020 (85 FR 453, January 6, 2020).

This material is reasonably available because the interested parties have

access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 662 airplanes of U.S. registry.

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

The FAA estimates the following costs to comply with the retained actions from AD 2022–25–07:

ESTIMATED COSTS FOR REQUIRED ACTIONS *

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained structural modifications	196 work-hours × $85 per hour = $16,660	$98,860	$115,520	Up to $76,474,240.

* Table does not include estimated costs for revising the existing maintenance or inspection program.

The FAA estimates the total cost per operator for the retained revision of the existing maintenance or inspection program from AD 2022–25–07 to be $7,650 (90 work-hours × $85 per work-hour).

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

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–25–07, Amendment 39–22263 (87 FR 77493, December 19, 2022); and

■ b. Adding the following new AD:

2025–01–05 Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.): Amendment 39–22929; Docket No. FAA–2024–1887; Project Identifier MCAI–2023–01237–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

This AD replaces AD 2022–25–07, Amendment 39–22263 (87 FR 77493, December 19, 2022) (AD 2022–25–07).

(c) Applicability

This AD applies to Embraer S.A. Model ERJ 170–100 LR, –100 SE, –100 STD, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 STD, –200 SU, and –200 LL airplanes; certificated in any category, with manufacturer serial numbers 17000002, 17000004 through 17000013 inclusive, and 17000015 through 17000948 inclusive.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address fatigue cracking of various principal structural elements (PSEs); such cracking could result in reduced structural integrity of the airplane. The FAA is also issuing this AD to address safety significant latent failures; such failures, in combination with one or more other specified failures or events, could result in a hazardous or catastrophic failure condition of avionics, hydraulic systems, fire detection systems, fuel systems, or other critical systems. Furthermore, the FAA is issuing this AD to address potential ignition sources inside fuel tanks caused by latent failures, alterations, repairs, or maintenance actions; such failures, in combination with flammable fuel vapors, could result in fuel tank explosions and consequent loss of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program From AD 2019–25–16, Amendment 39–21015 (85 FR 453, January 6, 2020) (AD 2019–25–16), With No Changes

This paragraph restates the requirements of paragraph (g) of AD 2022–25–07, with no changes. For Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, –200 STD, and –200LL airplanes; manufacturer serial numbers 17000002, 17000004 through 17000013 inclusive, and 17000015 through 17000761 inclusive: Within 90 days after February 10, 2020 (the effective date of AD 2019–25–16), revise the existing maintenance or inspection program, as applicable, to

incorporate the information specified in Part 1—Certification Maintenance Requirements, Part 2—Airworthiness Limitation Inspections (ALI) Structures, Part 3—Fuel System Limitation Items, and Part 4—Life Limited Items; and EMBRAER Temporary Revision (TR) 14–1, dated November 13, 2018, to Part 4—Life Limited Items; of Appendix A of the EMBRAER 170/175 MRBR, MRB–1621, Revision 14, dated September 27, 2018 (EMBRAER 170/175 MRB–1621, Revision 14). The initial compliance time for doing the tasks is at the later of the times specified in paragraphs (g)(1) and (2) of this AD.

(1) Within the applicable times specified in EMBRAER 170/175 MRB–1621, Revision 14. For the purposes of this AD, the initial compliance times (identified as ''Threshold'' or ''T'' in EMBRAER 170/175 MRB–1621, Revision 14) are expressed in ''total flight cycles'' or ''total flight hours,'' as applicable.

(2) Within 90 days or 600 flight cycles after February 10, 2020 (the effective date of AD 2019–25–16), whichever occurs later.

(h) Retained Restrictions on Alternative Actions, Intervals, and CDCCLs, With No Changes

This paragraph restates the requirements of paragraph (h) of AD 2022–25–07, with no changes. Except as required by paragraphs (i) and (l) of this AD: After the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs may be used unless the actions, intervals, and CDCCLs are approved as an AMOC in accordance with the procedures specified in paragraph (n)(1) of this AD.

(i) Retained Revision of the Existing Maintenance or Inspection Program, With No Changes

This paragraph restates the requirements of paragraph (i) of AD 2022–25–07, with no changes. For Embraer S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, and –100 SU airplanes; and Model ERJ 170–200 LR, –200 SU, –200 STD, and –200 LL airplanes: Except as specified in paragraph (j) of this AD, comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2022–02–01, dated February 9, 2022 (ANAC AD 2022–02–01). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements for Part 2—Airworthiness Limitation Inspections (ALI) Structures specified in paragraph (g) of this AD only. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (l) of this AD terminates the requirements of this paragraph.

(j) Retained Exceptions to ANAC AD 2022–02–01

(1) Where ANAC AD 2022–02–01 refers to its effective date, this AD requires using January 23, 2023 (the effective date of AD 2022–25–07).

(2) The ''Alternative method of compliance (AMOC)'' section of ANAC AD 2022–02–01 does not apply to this AD.

(3) Where paragraph (b)(1) of ANAC AD 2022–02–01 specifies incorporating all airworthiness limitations in Part 2 of the material specified in paragraph (b)(1) of ANAC AD 2022–02–01, for this AD, do not incorporate the threshold and interval for maintenance review board report (MRBR) task number 57–30–002–0002, ''Enhanced Wingtip to Wing Spar Attachments—Internal.''

Note 1 to paragraph (j)(3): AD 2022–11–51, Amendment 39–22074 (87 FR 33623, June 3, 2022) (AD 2022–11–51), requires, among other actions, incorporating alternate thresholds and intervals for MRBR task number 57–30–002–0002. The airplanes affected by MRBR task number 57–30–002–0002 are identified in paragraph (c) of AD 2022–11–51.

(k) Retained Provisions for Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (k) of AD 2022–25–07, with no changes. Except as required by paragraph (l) of this AD: After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections), intervals, or CDCCLs are allowed unless they are approved as specified in paragraph (f) of ANAC AD 2022–02–01.

(l) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (m) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Agência Nacional de Aviação Civil (ANAC) AD 2023–12–01, effective December 15, 2023 (ANAC AD 2023–12–01). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements in paragraphs (g) and (i) of this AD.

(m) Exceptions to ANAC AD 2023–12–01

(1) Where ANAC AD 2023–12–01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (c) of ANAC AD 2023–12–01 refers to ''no alternative inspections or inspection intervals may be used unless the alternative inspection or interval is published in revisions approved by ANAC of the MRB–1621 which are subsequent to Revision 19, dated July 14th, 2023, or approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (d) of this AD,'' for this AD, replace that text with ''no alternative actions (*e.g.,* inspections), intervals, and CDCCLs may be used unless the alternative action (*e.g.,* inspection), interval, or CDCCL is published in revisions approved by ANAC of the MRB–1621 which are subsequent to Revision 19, dated July 14th, 2023.''

(3) This AD does not adopt paragraph (d) of ANAC AD 2023–12–01.

(4) Where paragraph (b)(1) of ANAC AD 2023–12–01 specifies incorporating all airworthiness limitations in Part 2 of the service information specified in paragraph (b)(1) of ANAC AD 2023–12–01, for this AD, do not incorporate the threshold and interval for MRBR task number 57–30–002–0002, ''Enhanced Wingtip to Wing Spar Attachments—Internal.''

Note 2 to paragraph (m)(4): AD 2022–11–51, requires, among other actions, incorporating alternate thresholds and intervals for MRBR task number 57–30–002–0002. The airplanes affected by MRBR task number 57–30–002–0002 are identified in paragraph (c) of AD 2022–11–51.

(n) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(o) Additional Information

For more information about this AD, contact Joshua Bragg, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 817–222–5366; email *joshua.k.bragg@faa.gov.*

(p) 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 this AD specifies otherwise.

(3) The following material was approved for IBR on March 17, 2025.

(i) Agência Nacional de Aviação Civil (ANAC) AD 2023–12–01, effective December 15, 2023.

(ii) [Reserved]

(4) The following material was approved for IBR on January 23, 2023 (87 FR 77493, December 19, 2022).

(i) ANAC AD 2022–02–01, effective February 9, 2022.

(ii) [Reserved]

(5) The following material was approved for IBR on February 10, 2020 (85 FR 453, January 6, 2020).

(i) Appendix A—Airworthiness Limitations of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 14, dated September 27, 2018.

(ii) Embraer Temporary Revision (TR) 14–1, dated November 13, 2018, to Part 4—Life-Limited Items, of Appendix A of EMBRAER 170/175 Maintenance Review Board Report (MRBR), MRB–1621, Revision 14, dated September 27, 2018.

(6) For ANAC ADs, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* website *anac.gov.br/en/.* You may find this ANAC AD on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

(7) For Embraer material, contact Embraer S.A., Technical Publications Section (PC 060), Av. Brigadeiro Faria Lima, 2170—Putim—12227–901 Sao Jose dos Campos—SP—Brasil; telephone +55 12 3927–5852 or +55 12 3309–0732; fax +55 12 3927–7546; email *distrib@embraer.com.br;* internet *flyembraer.com.*

(8) 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.

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

Issued on January 6, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02381 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1690; Project Identifier AD–2024–00083–T; Amendment 39–22938; AD 2025–02–05]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company (Boeing) Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SP, and 747SR series airplanes. This AD was prompted by a report of improper inner diameter grinding of landing gear outer cylinders, resulting in possible heat damage to the outer cylinder of the nose landing gear (NLG), body landing gear (BLG), and wing landing gear (WLG). This AD requires replacing any affected outer cylinders. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1690; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For The Boeing Company material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1690.

FOR FURTHER INFORMATION CONTACT: Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; telephone 206–231–3964; email *stefanie.n.roesli@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Boeing Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SP, and 747SR series airplanes. The NPRM published in the **Federal Register** on June 20, 2024 (89 FR 51861). The NPRM was prompted by a report of improper inner diameter grinding of landing gear outer cylinders, resulting in possible heat damage to the outer cylinder of the NLG, BLG, and WLG. In the NPRM, the FAA proposed to require replacing any affected outer cylinders. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from The Air Line Pilots Association, International (ALPA) who supported the NPRM without change.

The FAA received two additional comments from Boeing. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Clarify Affected Outer Cylinder Serial Numbers

Boeing requested that an exception paragraph be added to clarify affected outer cylinder numbers. Boeing stated Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, inadvertently lists nine serial numbers without the correct number of leading zeros. Boeing requested that the FAA add the following language to paragraph (h) of the proposed AD, ''Where Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, Original Issue dated January 22, 2024, specifies two-digit serial numbers, add two leading zeros (*e.g.,* serial number 47 should be 0047). Where Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, Original Issue dated January 22, 2024, specifies three-digit serial numbers, add one leading zero (*e.g.,* serial number 109 should be 0109).''

The FAA concurs with the comment. The serial numbers listed in Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, are part of the required action to find the parts affected by the unsafe condition. Furthermore, the two-digit and three-digit serial numbers listed in Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, do not exist and the request is for clarification only. The FAA has revised this AD accordingly.

Request To Add a Parts Installation Prohibition

Boeing requested that a parts installation prohibition paragraph be added to the proposed AD. Boeing stated the outer cylinders of the NLG, BLG, and WLG are rotable structural components which may be moved from one airplane to another. Boeing stated the applicability of the AD covers all in-service Model 747 airplanes noted in Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024; however the parts installation

prohibition is needed to prevent the affected outer cylinders from being moved onto airplanes which have already complied with the required actions of the AD.

The FAA agrees to clarify. 14 CFR 39.7 specifies that once an AD is issued, no person may operate a product to which the AD applies except in accordance with the requirements of that AD. Further, 14 CFR 39.9 imposes a continuing obligation to maintain compliance with an AD by establishing a separate violation for each time an aircraft is operated that fails to meet AD requirements. Thus, operators have an ongoing obligation to ensure that the AD-mandated configuration is maintained. The FAA has not changed this AD as a result of the request.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024. This material specifies procedures for determining whether the outer cylinder of the NLG, the right and left WLG, and the right and left BLG have an affected part number and serial number and replacing all affected outer cylinders.

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

Costs of Compliance

The FAA estimates that this AD affects 168 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection or maintenance records check for affected parts.	3 work-hours × $85 per hour = $255	$0	$255	$42,840

The FAA estimates the following costs to do any replacements that would be required based on the results of the inspection or maintenance records check. The agency has no way of determining the number of airplanes that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement of outer cylinder (67 affected parts).	161 work-hours × $85 per hour = $13,685	$325,000	$338,685	$22,691,895 (67 affected parts).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–02–05 The Boeing Company: Amendment 39–22938; Docket No. FAA–2024–1690; Project Identifier AD–2024–00083–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 747–100, 747–100B, 747–100B SUD, 747–200B, 747–200C, 747–200F, 747–300, 747–400, 747–400D, 747–400F, 747SP, and 747SR series airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 32, Landing gear.

(e) Unsafe Condition

This AD was prompted by a report of improper inner diameter grinding of landing gear outer cylinders, resulting in possible heat damage to the outer cylinder of the nose landing gear (NLG), body landing gear (BLG), and wing landing gear (WLG). The FAA is issuing this AD to address heat damage to the outer cylinder of the NLG, BLG, and WLG. The unsafe condition, if not addressed, could cause failure of a principal structural element to sustain its limit load or collapse of the landing gear, which may result in loss of control of the airplane or a runway departure.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 747–32A2535, dated January 22, 2024, which is referred to in Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

(h) Exceptions to Requirements Bulletin Specifications

(1) Where the ''Boeing Recommended Compliance Time'' column in the table under the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, refers to ''the Original Issue date of Requirements Bulletin 747–32A2535 RB,'' this AD requires using the effective date of this AD.

(2) Where Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, specifies two-digit serial numbers, add two leading zeros (*e.g.,* serial number 47 should be 0047).

(3) Where Appendix B of Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024, specifies three-digit serial numbers, add one leading zero (*e.g.,* serial number 109 should be 0109).

(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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Stefanie Roesli, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3964; email *stefanie.n.roesli@faa.gov.*

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

(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 the AD specifies otherwise.

(i) Boeing Alert Requirements Bulletin 747–32A2535 RB, dated January 22, 2024.

(ii) [Reserved]

(3) For The Boeing Company material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

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

Issued on January 16, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02398 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2023–1488; Project Identifier AD–2023–00182–T; Amendment 39–22946; AD 2025–02–13]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain The Boeing Company Model 757–200, –200CB, and –200PF series airplanes. This AD was prompted by a report indicating an operator has found cracks on three Model 757–200PF airplanes at the main deck cargo door cutout forward and aft hinge attachment holes. This AD requires a maintenance record check for repairs at the forward and aft hinge areas of the main deck cargo door cutout; repetitive open-hole high frequency eddy current (HFEC) inspections for cracks in the unrepaired areas of the bear strap, skin, doubler, and upper sill chord at the main deck cargo door forward and aft hinge attachment holes; and applicable corrective actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2023–1488; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2023–1488.

FOR FURTHER INFORMATION CONTACT: Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: 562–627–5238; email: *wayne.ha@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757–200, –200CB, and –200PF series airplanes. The NPRM published in the **Federal Register** on August 4, 2023 (88 FR 51745). The NPRM was prompted by a report of cracks found at the main deck cargo door forward and aft hinge attachment holes. In the NPRM, the FAA proposed to require a maintenance records check for repairs at the forward and aft hinge areas of the main deck cargo door cutout; repetitive open-hole high frequency eddy current (HFEC) inspections for cracks in the unrepaired areas of the bear strap, skin, doubler, and upper sill chord at the main deck cargo door forward and aft hinge attachment holes; and corrective actions. The FAA is issuing this AD to detect and correct cracks in the main deck cargo door hinge area, which could result in reduced structural integrity of the airplane.

The FAA issued a supplemental notice of proposed rulemaking (SNPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain The Boeing Company Model 757–200, –200CB, and –200PF series airplanes. The SNPRM published in the **Federal Register** on April 29, 2024 (89 FR 33294). The SNPRM was prompted by a determination that airplanes that have been modified from a passenger to a freighter configuration using VT Mobile Aerospace Engineering (VT MAE) Supplemental Type Certificate (STC) ST03562AT, ST03952AT, or ST04242AT were inadvertently omitted in the NPRM. The SNPRM proposed to add airplanes to the applicability. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Boeing who supported the SNPRM without change.

The FAA received additional comments from FedEx Express (FedEx) and VT Mobile Aerospace Engineering (VT MAE). The following presents the comments received on the SNPRM and the FAA's response to each comment.

Requests To Extend Compliance Time for Certain Airplanes

FedEx stated that the FAA is placing an unrealistic timeline and burden, without any data, on operators with airplanes modified by VT MAE STC ST03562AT. Within paragraph (g)(1) of the proposed AD and paragraph 3, Compliance, of Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, the FAA is granting airplanes identified in paragraph (c)(1)(i) of the proposed AD and paragraph 1, Effectivity, of Boeing Alert RB 757–53A0106 RB, dated January 3, 2023, a minimum of 2,800 flight cycles, but the modified VT MAE STC ST03562AT airplanes only get 30 days. FedEx stated that there is no way FedEx can comply with a 30-day maintenance record check on 118 airplanes. This unsubstantiated 30-day compliance time will end up grounding a majority of the FedEx 757–200 fleet. If the FAA keeps this proposed 30-day maintenance record check compliance, FedEx will immediately request approval to extend the compliance time via an alternative method of compliance (AMOC). However, AMOC processing by the FAA could take 30 days to approve and still result in a FedEx 757–200 fleet grounding, even if the FAA agrees to the extension.

Similarly, VT MAE stated that it is impossible for their operators to comply with the requirements within 30 days after the effective date of the AD. This is particularly true for FedEx, which operates 118 Boeing Model 757–200 special freighter airplanes converted per VT MAE STC ST03562AT (14 pallet configuration). VT MAE added that for the airplanes converted per VT MAE STC ST03562AT (14 Pallet Configuration), VT MAE STC ST03952AT (14 pallet configuration), and VT MAE STC ST04242AT (15 pallet configuration), the installation of the main deck cargo door hinge is identical to the Boeing 757–200 Special Freighter (SF) airplanes converted per Boeing STC ST00916WI–D. The installation of the main deck cargo door hinge in Drawing 657N3270 that is applicable to both Boeing Model 757–200SF series airplanes and modified VT MAE STC airplanes per VT MAE STC ST03562AT (14 pallet configuration), VT MAE STC ST03952AT (14 pallet configuration), and VT MAE STC ST04242AT (15 pallet configuration).

The FAA agrees with the requests. The FAA did not intend to require a maintenance record check for any repair at the forward and aft hinge areas of the main deck cargo door cutout in paragraph (g)(2) of the proposed AD. The FAA has changed paragraph (g)(2) of this AD to require obtaining inspection instructions and applicable repair instructions using a method approved by the FAA. The FAA agrees that the Boeing Model 757 airplanes that have been modified by VT MAE STC ST03562AT (14 pallet configuration), ST03952AT (14 pallet configuration), and ST04242AT (15 pallet configuration) are affected by this AD, because these airplane configurations have the main deck cargo door cutouts.

Request To Use Work Instructions for Group 2 in Boeing Alert Requirements Bulletin 757–53A0106 RB for Modified VT MAE STC Airplanes

FedEx referred to paragraph (g)(2) of the proposed AD, which would require obtaining inspection instructions and applicable repair instructions using a method approved by the FAA. Boeing STC ST00916WI–D and VT MAE STC ST03562AT are identical. The VT MAE STC ST03562AT main deck cargo door hinge installation is done in accordance with Boeing Drawing 657N3270, which is applicable to Model Boeing 757–200SF airplanes. According to Boeing Letter FED–SU–1901571 and VT MAE Document No. 337/STR–100, both Boeing and VT MAE own the technical data for VT MAE STC ST03562AT. For repairs, service bulletins, ADs, etc., on Boeing Model 757–200 airplanes, Boeing and VT MAE provide direction and approval to FedEx. As stated in the initial comment period by FedEx and VTMAE, FedEx will be utilizing the Group 2 instructions in Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, to address the unsafe condition identified in the SNPRM. If this is not acceptable to the FAA, FedEx requested that the FAA provide a method of compliance (MOC) for VT MAE STC ST03562AT airplanes to comply with the SNPRM. According to FedEx and VT MAE (design approval holder), utilizing the Group 2 instructions in Boeing Alert Requirements Bulletin 757–53A0106

RB, dated January 3, 2023, will address the unsafe condition identified in the SNPRM.

Therefore, FedEx requested a change to the requirements for airplanes converted to a freighter configuration using VT MAE STC ST03562AT, ST03952AT, or ST04242AT. Specifically, FedEx requested that those airplanes be required to use instructions for Group 2 in Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023.

Similarly, VT MAE proposed to utilize the inspections, methods, and intervals [1] in Group 2 of Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, for the modified airplanes per VT MAE STC ST03562AT (14 pallet configuration), VT MAE STC ST03952AT (14 pallet configuration), and VT MAE STC ST04242AT (15 pallet configuration).

The FAA does not agree with the requests. At this time, whether the VT MAE and Boeing STCs are identical in the areas affected by this proposed AD or using the compliance methods and times for Group 2 airplanes adequately address the identified unsafe condition has not been determined. FedEx and VT MAE are to request that the FAA provide a method of compliance (MOC) for airplanes with VT MAE STC ST03562AT (14 pallet configuration), VT MAE STC ST03952AT (14 pallet configuration), and VT MAE STC ST04242AT (15 pallet configuration) to comply with the SNPRM. The FAA has not changed this AD in response to this request.

The FAA does not agree to change paragraph (g)(2) as FedEx specifically requested but has changed paragraph (g)(2) of this AD from a requirement to perform a maintenance record check for repairs to a requirement to obtain inspection instructions and applicable repair instructions.

Request To Base Compliance Time on AD Type

FedEx stated that a 30-day compliance time is designated for emergency ADs. The commenter stated that as paragraph (g)(2) of the proposed AD is written, the FAA is forcing an emergency AD on VT MAE STC ST03562AT airplanes in paragraph (c)(1)(ii) of the proposed AD with no substantiating data, while airplanes identified in paragraph (c)(1)(i) of the proposed AD, Group 2 (Boeing STC ST00916WI–D airplanes) are allowed to maintain the original compliance time (27,500 flight cycles after conversion or 2,800 flight cycles after the AD's effective date, whichever occurs later). FedEx pointed out that the FAA is applying inconsistent compliance times for airplanes modified per Boeing STC ST00916WI–D and airplanes modified by VT MAE STC ST03562AT airplanes—and, as stated in a previous comment, these are identical STCs.

The FAA does not agree with this request. There is no merit to FedEx's statement that a 30-day compliance time is designated for emergency ADs. The compliance time does not determine the type of AD, and the AD type is not limited to a compliance time range. This is not an emergency AD. The 30-day compliance time is to allow for FedEx and VT MAE to request the FAA to provide a method of compliance (MOC) for airplanes modified with VT MAE STCs to comply with the AD. Boeing and VT MAE own the technical data, which can be provided for justification prior to the compliance time ending. The FAA has not changed this AD in response to this request.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the SNPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023. This material specifies procedures for a maintenance record check for repairs at the forward and aft hinge areas of the main deck cargo door cutout; repetitive open-hole HFEC inspections for cracks in the unrepaired areas of the bear strap, skin, doubler, and upper sill chord at the main deck cargo door forward and aft hinge attachment holes; and corrective actions including obtaining and following procedures for alternative inspections and crack repairs.

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

Costs of Compliance

The FAA estimates that this AD affects 564 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Maintenance record check	1 work-hour * × $85 per hour = $85	$0	$85	$47,940.
HFEC inspections	26 work-hours × $85 per hour = $2,210, per inspection cycle.	0	$2,210 per inspection cycle.	$1,246,440 per inspection cycle.

* The time to do the maintenance record check will vary by operator but would likely take no more than 1 work-hour per airplane.

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

[1] Initial compliance time of 27,500 flight cycles from the freighter conversion date or 2,800 flight cycles after the effective date of the AD, with repetitive inspections at intervals not to exceed 7,000 flight cycles.

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–02–13 The Boeing Company: Amendment 39–22946; Docket No. FAA–2023–1488; Project Identifier AD–2023–00182–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to The Boeing Company Model 757–200, –200CB, and –200PF series airplanes specified in paragraph (c)(1)(i) or (ii) of this AD, certificated in any category.

(i) Airplanes identified in Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023.

(ii) Airplanes converted to a freighter configuration using VT MAE Supplemental Type Certificate (STC) ST03562AT, ST03952AT, or ST04242AT.

(2) Installation of STC ST01518SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01518SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating an operator has found cracks on three Model 757–200PF airplanes at the main deck cargo door cutout forward and aft hinge attachment holes. The FAA is issuing this AD to detect and correct cracks in the main deck cargo door hinge area. Undetected cracks in the main deck cargo door hinge area could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For the airplanes identified in paragraph (c)(1)(i) of this AD: Except as specified by paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023.

Note 1 to paragraph (g)(1): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin 757–53A0106, dated January 3, 2023, which is referred to in Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023.

(2) For the airplanes identified in paragraph (c)(1)(ii) of this AD: Within 30 days after the effective date of this AD, obtain inspection instructions and applicable repair instructions using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA. Comply with all applicable instructions at the time specified in the instructions.

(h) Exceptions to Service Information Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, use the phrase the original issue date of Requirements Bulletin 757–53A0106 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023, specifies contacting Boeing for repair instructions or for alternative inspections, this AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions using a method approved in accordance with the procedures specified in paragraph (i) of this AD.

(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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (j)(1) of this AD. Information may be emailed to: *AMOC@faa.gov.*

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(j) Related Information

(1) For more information about this AD, contact Wayne Ha, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: 562–627–5238; email: *wayne.ha@faa.gov.*

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

(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) Boeing Alert Requirements Bulletin 757–53A0106 RB, dated January 3, 2023.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Blvd., MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*

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

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

Issued on January 21, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02395 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2023; Project Identifier MCAI–2023–01246–T; Amendment 39–22934; AD 2025–02–01]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–100–1A10 airplanes. This AD was prompted by uncommanded horizontal stabilizer motion during several in-service events caused by a problem with the trim switch wiring. This AD requires installing the pitch/roll trim switch relays. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2023; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

• For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com.*

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–2023.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Bombardier, Inc., Model BD–100–1A10 airplanes. The NPRM published in the **Federal Register** on August 21, 2024 (89 FR 67577). The NPRM was prompted by AD CF–2023–77, dated December 7, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2023–77) (referred to after this as the MCAI). The MCAI states that during several in-service events, following a STAB TRIM FAULT advisory message and an autopilot disconnect, both pilot and co-pilot commands to trim the horizontal stabilizer nose-up resulted in a nose-down movement of the horizontal stabilizer. In some events, the horizontal stabilizer reached the full travel nose-down position before the crew recognized the nature of the problem, and quickly recovered control of the airplane for safe landing. An issue with the trim switch wiring installation was identified as the main cause of the in-service unintended horizontal stabilizer motion events. The current wiring of the system is such that, if trim is enabled via the copilot-side trim switch, and the pilot-side trim switch malfunctions, it is possible for trim to move uncommanded or opposite to the intended direction.

In the NPRM, the FAA proposed to require installing the pitch/roll trim switch relays. The FAA is issuing this AD to address the problem with the trim switch wiring, which is the main cause of the uncommanded horizontal stabilizer motion. The unsafe condition, if not addressed, could result in increased crew workload and reduced safety margins, and if the flightcrew is unable to regain control of the horizontal stabilizer, would result in loss of control of the airplane and high control forces.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2023.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from an individual. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request To Develop a Preventive Maintenance Program To Assess Affected Airplanes

The commenter suggested that Bombardier should develop a preventive maintenance program to assess if the proposed AD would apply to the same airplanes of different serial numbers. The commenter referenced another AD (PA–28 wing spar), pointing out that operators were only required to repair the affected part if damage or failure was detected. The commenter noted that a preventive replacement of the affected part was not required, and that is something that Bombardier should consider researching. The commenter further asserted that this would only be considered if engineers and researchers can show with evidence that periodic inspections outweigh the cost of a preventive repair.

The FAA does not agree. The NPRM specifically stated that ''The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.'' Bombardier has confirmed that airplanes having serial number 20937 and subsequent, also subject to the unsafe condition addressed in this AD, were modified in production. Further, this AD bypasses any type of preventive maintenance inspection prior to modifying the trim switches because Bombardier has determined that the trim switches have a problem with the wiring installation, which is why all affected trim switches must be rewired (not simply inspected and repaired only if damage or failure is found). No change has been made to this AD in this regard.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD

as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Bombardier Service Bulletin 100–27–22 and Bombardier Service Bulletin 350–27–012, both dated December 29, 2022. This material specifies procedures to install the pitch/roll trim switch relays. The installation includes reworking the plate assembly; installing relay bracket assemblies, relays, ground return stacks on the relay bracket assemblies, wires for the relays, and line replaceable units and trays on the left-side and right-side avionic racks; and performing operational testing. These documents are distinct since they apply to different airplane serial numbers. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 359 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 45 work-hours × $85 per hour = Up to $3,825	$3,582	Up to $7,407	Up to $2,659,113.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–02–01 Bombardier, Inc.: Amendment 39–22934; Docket No. FAA–2024–2023; Project Identifier MCAI–2023–01246–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–100–1A10 airplanes, certificated in any category, serial numbers 20003 through 20500 inclusive and 20501 through 20936 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by uncommanded horizontal stabilizer motion during several in-service events caused by a problem with the trim switch wiring. The FAA is issuing this AD to address the problem with the trim switch wiring. The unsafe condition, if not addressed, could result in increased crew workload and reduced safety margins, and if the flightcrew is unable to regain control of the horizontal stabilizer, would result in loss of control of the airplane and high control forces.

(f) Compliance

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

(g) Installation of Pitch/Roll Trim Switch Relays and Tests

Within 3,000 flight hours or 5 years, whichever occurs first, from the effective date of this AD, install the pitch/roll trim switch relays, in accordance with sections 2.B. and 2.C. of the Accomplishment Instructions of the applicable material specified in paragraph (g)(1) or (2) of this AD.

(1) Bombardier Service Bulletin 100–27–22, dated December 29, 2022 (for airplane serial numbers 20003 through 20500 inclusive).

(2) Bombardier Service Bulletin 350–27–012, dated December 29, 2022 (for airplane serial numbers 20501 through 20936 inclusive).

(h) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (i) of this AD. Information may be emailed to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved

by the Manager, International Validation Branch, FAA; or Transport Canada; or Bombardier, Inc.'s Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(i) Additional Information

For more information about this AD, contact Steven Dzierzynski, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

(j) 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) Bombardier Service Bulletin 100–27–22, dated December 29, 2022.

(ii) Bombardier Service Bulletin 350–27–012, dated December 29, 2022.

(3) For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; phone 514–855–2999; email *ac.yul@aero.bombardier.com;* website *bombardier.com.*

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

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

Issued on January 16, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02397 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1467; Project Identifier AD–2023–01241–T; Amendment 39–22935; AD 2025–02–02]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. This AD was prompted by a report indicating cracks in the frame inner chord and web at station (STA) 727. This AD requires an inspection for any repair installed, repetitive inspections of the frame inner chord and web at STA 727 for any crack, and applicable on-condition actions. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1467; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th Street, Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1467.

FOR FURTHER INFORMATION CONTACT: Muoi Vuong, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone: 562–627–5205; email: *Muoi.Vuong@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes. The NPRM published in the **Federal Register** on May 20, 2024 (89 FR 43792). The NPRM was prompted by a report indicating cracks in the frame inner chord and web at STA 727 between S–11L and S–13L. In the NPRM, the FAA proposed to require an inspection for any repair installed, repetitive inspections of the frame inner chord and web at STA 727 for any crack, and applicable on-condition actions. The FAA is issuing this AD to address cracks in the left and right frames at STA 727 before they reach a critical length. The unsafe condition, if not addressed, may result in the inability of a principal structural element to sustain limit load, which could adversely affect the structural integrity of the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, including Aviation Partners Boeing, FlyPersia Airline, and Sudan Civil Aviation Authority. In addition, the FAA received a comment from an individual whose request is not specific to this AD or a request the FAA can act on. This comment is outside the scope of this rulemaking. The following presents the comments received on the NPRM and the FAA's response to each comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per the Supplemental Type Certificate (STC) ST01219SE does not affect the actions specified in the proposed AD.

The FAA agrees with the commenter. The FAA has redesignated paragraph (c) of the proposed AD as paragraph (c)(1) of this AD and added paragraph (c)(2) to this AD to state that installation of STC ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

Request To Expand the Area of Inspection

FlyPersia Airline requested that the area of inspection for any repair and repetitive high frequency eddy current inspection include the frame inner chord and web at STA 663.75 through STA 727 between stringers S–11 and S–13 left and right sides. The commenter stated that the mentioned crack on stringers S–11 and S–13 left and right might also exist on those stringers at STA 663.75 through STA 727, because on Model 737–300 airplanes there is a landing gear cavity, which impresses circumferential structure unity on STA 663.75.

The FAA disagrees with expanding the area of inspection in this AD. The Boeing service bulletin addresses only the frame inner chord and web at STA 727, between S–11 and S–13, left and right sides. STA 727 frame between S–11 and S–13, located at a bulkhead station, is different from other frames forward of STA 727, and therefore is the only area of inspection addressed in this AD. However, if additional data are presented that would justify extending the subject inspection area, the FAA might consider further rulemaking on this issue. No change has been made to this AD regarding this issue.

Request To Reduce the Proposed Grace Period for the Initial Compliance Time

Sudan Civil Aviation Authority requested the grace period for the initial compliance time for the general visual inspection of STA 727 (within 4,500 flight cycles after the original issue date of the requirements bulletin) be reduced. Sudan Civil Aviation Authority stated that the compliance time for some Model 737–400 airplanes may fall beyond the 50,000 total flight cycles at which the crack has been found.

The FAA disagrees. After considering all the available information, the FAA has determined that the grace period, as proposed, represents an appropriate interval of time in which the required actions can be performed in a timely manner within the affected fleet, while still maintaining an adequate level of safety. In developing an appropriate grace period, the FAA considered the safety implications, parts availability, normal maintenance schedules, and the manufacturer's recommendation for timely accomplishment of the modifications. To reduce the grace period of the proposed AD would necessitate (under the provisions of the Administrative Procedure Act) reissuing the notice, reopening the period for public comment, considering additional comments subsequently received, and eventually issuing a final rule. In light of this, and in consideration of the amount of time that has already elapsed since issuance of the original notice, the FAA has determined that further delay of this AD is not appropriate. However, if additional data are presented that would justify a shorter compliance time, the FAA may consider further rulemaking on this issue. No change has been made to this AD regarding this issue.

Request To Revise Requirements Bulletin To Delete Condition 2.2

Sudan Civil Aviation Authority stated that Condition 2.2: No Crack Found in Group 2, Table 1: Inspection of Frame at STA 727 Between S–11 and S–13, Left and Right Side, 3. Compliance, of Boeing Alert Requirements Bulletin 737–53A1416RB, dated July 21, 2023, needs to be deleted. The commenter pointed out that Condition 2.2 (unrepaired areas) should be deleted because there is no repair found.

The FAA agrees to clarify. Condition 2 is accomplished for airplanes that have no repairs in the inspection area and requires high frequency eddy current (HFEC) inspections of the area before further flight. Condition 2.2 is then accomplished if no crack is found during the initial inspection (Condition 2), repeating the HFEC inspections of the unrepaired areas within 9,000 flight cycles. Condition 2.2 includes footnote (a) because a repair could be installed at any point prior to the repeat HFEC inspection, and that repair could terminate the repeat HFEC inspection. No change has been made to this AD regarding this issue.

Conclusion

The FAA reviewed the relevant data, considered any comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023. This material specifies procedures for a general visual inspection for any repair and repetitive high frequency eddy current inspections of the frame inner chord and web at STA 727, between S–11 and S–13, left and right sides, for any crack, and applicable on-condition actions. On-condition actions include obtaining and following repair instructions. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 245 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspections	8 work-hours × $85 per hour = $680	$0	$680	$166,600

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

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–02–02 The Boeing Company: Amendment 39–22935; Docket No. FAA–2024–1467; Project Identifier AD–2023–01241–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

None.

(c) Applicability

(1) This AD applies to all The Boeing Company Model 737–100, –200, –200C, –300, –400, and –500 series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01219SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01219SE is installed, a ''change in product'' alternative method of compliance (AMOC) approval request is not necessary to comply with the requirements of 14 CFR 39.17.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating cracks in the frame inner chord and web at station (STA) 727. The FAA is issuing this AD to address cracks in the left and right frames at STA 727 before they reach a critical length. The unsafe condition, if not addressed, may result in the inability of a principal structural element to sustain limit load, which could adversely affect the structural integrity of the airplane.

(f) Compliance

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

(g) Required Actions for Group 1 Airplanes

For airplanes identified as Group 1 in Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023: Within 120 days after the effective date of this AD, inspect for existing repairs and cracking of the frame inner chord and web at STA 727, between S–11 and S–13, left and right sides, using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(h) Required Actions for Group 2 Airplanes

For airplanes identified as Group 2 in Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023: Except as specified by paragraph (i) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023.

Note 1 to paragraph (h): Guidance for accomplishing the actions required by this AD can be found in Boeing Service Bulletin 737–53A1416, dated July 21, 2023, which is referred to in Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023.

(i) Exceptions to Requirements Bulletin Specifications

(1) Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023, refers to the original issue date of Boeing Alert Requirements Bulletin 737–53A1416 RB, this AD requires using the effective date of this AD.

(2) Where Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023, specifies contacting Boeing for repair instructions or for alternative inspections, this AD requires doing the repair, or doing the alternative inspections and applicable on-condition actions, before further flight using a method approved in accordance with the procedures specified in paragraph (j) of this AD.

(j) Alternative Methods of Compliance

(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 responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the certification office, send it to the attention of the person identified in paragraph (k)(1) of this AD. Information may be emailed to: *AMOC@faa.gov*.

(2) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(3) An AMOC that provides an acceptable level of safety may be used for any repair, modification, or alteration required by this AD if it is approved by The Boeing Company Organization Designation Authorization (ODA) that has been authorized by the Manager, AIR–520, Continued Operational Safety Branch, FAA, to make those findings. To be approved, the repair method, modification deviation, or alteration deviation must meet the certification basis of the airplane, and the approval must specifically refer to this AD.

(k) Related Information

(1) For more information about this AD, contact Muoi Vuong, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; telephone: 562–627–5205; email: *Muoi.Vuong@faa.gov*.

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

(l) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin 737–53A1416 RB, dated July 21, 2023.

(ii) [Reserved]

(3) For Boeing material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster Boulevard, MC 110–SK57, Seal Beach, CA 90740–5600; telephone 562–797–1717; website *myboeingfleet.com*.

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

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

Issued on January 14, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02383 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2012; Project Identifier MCAI–2023–01208–T; Amendment 39–22936; AD 2025–02–03]

RIN 2120–AA64

Airworthiness Directives; MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. This AD was prompted by the discovery of ten ultrasonic inspections associated with airworthiness limitations (AWL) tasks and structural deviation inspection requirements (SDIR) tasks potentially not detecting cracks. This AD requires repetitive ultrasonic inspections of certain structural areas for cracking, and prohibits use of the previous revisions of certain procedures and mandates the use of the revised procedures when performing the inspections required by the associated AWL and SDIR tasks, as specified in a Transport Canada AD, which is incorporated by reference (IBR). This AD also requires repair of cracking. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2012; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

• For Transport Canada material identified in this AD, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca*. You may find this material on the Transport Canada website at *tc.canada.ca/en/aviation.*

• You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–2012.

FOR FURTHER INFORMATION CONTACT: Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all MHI RJ Aviation ULC Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes. The NPRM published in the **Federal Register** on August 8, 2024 (89 FR 64837). The NPRM was prompted by AD CF–2023–74, dated November 21, 2023 (Transport Canada AD CF–2023–74) (also referred to as the MCAI), issued by Transport Canada, which is the aviation authority for Canada. The MCAI states MHI RJ Aviation ULC discovered that ten ultrasound (*i.e.,* ultrasonic) inspection procedures in Part 4 of the non-destructive testing manual (NDTM), which is associated with AWL tasks and SDIR tasks, could potentially not detect cracks. The MCAI stated this is due to differences in sound attenuation between airplane structures assembled with faying surface sealant and the calibration reference standards used to calibrate the ultrasonic testing probes that were assembled without faying surface sealant.

In the NPRM, the FAA proposed to require repetitive ultrasonic inspections of certain structural areas for cracking, and repair of cracking. The FAA also proposed to prohibit use of the previous revisions of certain procedures and mandate the use of the revised procedures when performing the inspections required by the associated AWL and SDIR tasks. The FAA is issuing this AD to address undetected cracks in certain structural areas. The unsafe condition, if not addressed, could result in structural failure of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2012.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Air Wisconsin Airlines. The following presents the comment received on the NPRM and the FAA's response to that comment.

Request for Clarification of Upper or Lower Web Repairs

Air Wisconsin Airlines requested a clarification for AWL NDTM part 4 procedure 601R–51–53–61–345, temporary revision (TR) 51–028, per the MCAI. Air Wisconsin Airlines asked whether the proposed inspection would be required only for the repaired portion of the upper web, or for the lower web as well, if only a partial repair of the upper web was accomplished per repair engineering order (REO) 601R–53–61–345.

The FAA provides the following clarification. This AD applies only to an existing repair location. Therefore, if only the upper web has a generic repair engineering order (GREO) per AWL 601R–53–61–345, the inspection task 51–53–61–345 is used to inspect the upper web. The lower web is inspected according to the intervals and inspection methods specified in the applicable maintenance repair manual (MRM), Part 2. The FAA has clarified this issue in paragraph (h)(5) of this AD.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

Transport Canada AD CF–2023–74 specifies procedures for repetitive ultrasonic inspections of certain

structural areas for cracking. The structural areas include, but are not limited to, certain lateral beam web and lower cap flanges, engine support beam cap angles, engine support beams, webs, and doublers. Transport Canada AD CF–2023–74 also prohibits the use of the previous revisions of certain ultrasonic inspection procedures specified in Part 4 of the NDTM and mandates the use of revised procedures when performing the inspections required by the associated AWL and SDIR tasks.

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

Costs of Compliance

The FAA estimates that this AD would affect 395 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
5 work-hours × $85 per hour = $425	$0	$425	$167,875

The FAA has received no definitive data on which to base the cost estimates for the repairs specified in this 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

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2025–02–03 MHI RJ Aviation ULC (Type Certificate Previously Held by Bombardier, Inc.): Amendment 39–22936; Docket No. FAA–2024–2012; Project Identifier MCAI–2023–01208–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all MHI RJ Aviation ULC (Type Certificate previously held by Bombardier, Inc.) Model CL–600–2B19 (Regional Jet Series 100 & 440) airplanes, certificated in any category.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by the discovery of ten ultrasonic inspections associated with airworthiness limitations (AWL) tasks and structural deviation inspection requirements (SDIR) potentially not detecting cracks. The FAA is issuing this AD to address undetected cracks in certain structural areas. The unsafe condition, if not addressed, could result in structural failure of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Transport Canada AD CF–2023–74, dated November 21, 2023 (Transport Canada AD CF–2023–74).

(h) Exceptions to Transport Canada AD CF–2023–74

(1) Where Transport Canada AD CF–2023–74 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph A. of Transport Canada AD CF–2023–74 specifies to perform AWL tasks and SDIR tasks, for this AD, the initial compliance time for the tasks is at the time specified in paragraph A. of Transport Canada AD CF–2023–74 or within 30 days after the effective date of this AD, whichever occurs later.

(3) Where paragraph B. of Transport Canada AD CF–2023–74 refers to phase-in compliance times in Table 1 of Transport Canada AD CF–2023–74, this AD requires using the applicable phase-in time identified in Table 1 of Transport Canada AD CF–2023–74, or within 30 days after the effective date of this AD, whichever occurs later.

(4) If, during any inspection required by paragraph (g) of this AD, any cracking is found, repair before further flight using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(5) If generic repair engineering order (GREO) 601R–53–61–345 has been performed only on the upper web or lower web, then the inspection specified in non-destructive testing manual (NDTM) part 4 procedure 51–53–61–345 (as specified in Transport Canada AD CF–2023–74) is applicable only to the repaired location (where a doubler is installed).

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (j) of this AD. Information may be emailed to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or Transport Canada; or MHI RJ Aviation ULC's Transport Canada Design Approval Organization (DAO). If approved by the DAO, the approval must include the DAO-authorized signature.

(j) Additional Information

For more information about this AD, contact Yaser Osman, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@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 this AD specifies otherwise.

(i) Transport Canada AD CF–2023–74, dated November 21, 2023.

(ii) [Reserved]

(3) For Transport Canada AD CF–2023–74, contact Transport Canada, Transport Canada National Aircraft Certification, 159 Cleopatra Drive, Nepean, Ontario K1A 0N5, Canada; telephone 888–663–3639; email *TC.AirworthinessDirectives-Consignesdenavigabilite.TC@tc.gc.ca.* You may find this Transport Canada AD on the Transport Canada website at *tc.canada.ca/en/aviation.*

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

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

Issued on January 16, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02374 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2323; Project Identifier MCAI–2024–00171–T; Amendment 39–22937; AD 2025–02–04]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2022–22–10, which applied to certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2022–22–10 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This AD continues to require certain actions in AD 2022–22–10 and requires revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 17, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain other publication listed in this AD as of December 30, 2022 (87 FR 72374, November 25, 2022).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2323; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–2323.

FOR FURTHER INFORMATION CONTACT: Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3367; email: *timothy.p.dowling@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–22–10, Amendment 39–22225 (87 FR 72374, November 25, 2022) (AD 2022–22–10). AD 2022–22–10 applied to certain Airbus SAS Model A318, A319, A320, and A321 series airplanes. AD 2022–22–10 required revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA issued AD 2022–22–10 to address failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

The NPRM published in the **Federal Register** on October 1, 2024 (89 FR 79789). The NPRM was prompted by AD 2024–0066, dated March 8, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0066) (also referred to as the MCAI). The MCAI states that new or more restrictive airworthiness limitations have been developed.

In the NPRM, the FAA proposed to continue to require certain requirements of AD 2022–22–10. The FAA also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate additional new or more restrictive airworthiness limitations, as specified in EASA AD 2024–0066. The FAA is issuing this AD to address failure of certain life-limited parts, which could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2323.

Discussion of Final Airworthiness Directive

Comments

The FAA received one comment from an individual who supported the NPRM without change.

Change Made to This AD

The FAA revised paragraph (m) of this AD to specify that previously approved AMOCs for AD 2022–22–10 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0082, dated May 10, 2022 (EASA AD 2022–0082), which are required by paragraph (g) of this AD, and the corresponding provisions of EASA AD 2024–0066, which are required by paragraph (j) of this AD.

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0066 specifies new or more restrictive airworthiness tasks and limitations for airplane structures and safe life limits.

This AD also requires EASA AD 2022–0082, which the Director of the Federal Register approved for incorporation by reference as of December 30, 2022 (87 FR 72374, November 25, 2022).

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

Costs of Compliance

The FAA estimates that this AD affects 1,857 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA estimates the total cost per operator for the retained actions from AD 2022–22–10 to be $7,650 (90 work-hours × $85 per work-hour).

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

The FAA estimates the total cost per operator for the new actions to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

(1) Is not a ''significant regulatory action'' under Executive Order 12866,

(2) Will not affect intrastate aviation in Alaska, and

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2022–22–10, Amendment 39–22225 (87 FR 72374, November 25, 2022); and

■ b. Adding the following new AD:

2025–02–04 Airbus SAS: Amendment 39–22937; Docket No. FAA–2024–2323; Project Identifier MCAI–2024–00171–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 17, 2025.

(b) Affected ADs

This AD replaces AD 2022–22–10, Amendment 39–22225 (87 FR 72374, November 25, 2022) (AD 2022–22–10).

(c) Applicability

This AD applies to Airbus SAS Model airplanes identified in paragraphs (c)(1) through (4) of this AD, certificated in any category, with an original airworthiness certificate or original export certificate of airworthiness issued on or before November 6, 2023.

(1) A318–111, –112, –121, and –122 airplanes.

(2) A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes.

(3) A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(4) A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. The FAA is issuing this AD to address failure of certain life-limited parts. The unsafe condition, if not addressed, could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Retained Revision of the Existing Maintenance or Inspection Program, With a New Terminating Action

This paragraph restates the requirements of paragraph (j) of AD 2022–22–10, with a new terminating action. For airplanes with an original airworthiness certificate or original export certificate of airworthiness issued on or before February 2, 2022, except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2022–0082, dated May 10, 2022 (EASA AD 2022–0082). Accomplishing the revision of the existing maintenance or inspection program required by paragraph (j) of this AD terminates the requirements of this paragraph.

(h) Retained Exceptions to EASA AD 2022–0082, With No Changes

This paragraph restates the exceptions specified in paragraph (k) of AD 2022–22–10, with no changes.

(1) Where EASA AD 2022–0082 refers to its effective date, this AD requires using December 30, 2022 (the effective date of AD 2022–22–10).

(2) The requirements specified in paragraph (1) of EASA AD 2022–0082 do not apply to this AD.

(3) Paragraph (2) of EASA AD 2022–0082 specifies revising ''the approved AMP'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after December 30, 2022 (the effective date of AD 2022–22–10).

(4) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2022–0082 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (2) of EASA AD 2022–0082, or within 90 days after December 30, 2022 (the effective date of AD 2022–22–10), whichever occurs later.

(5) The provisions specified in paragraphs (3) and (4) of EASA AD 2022–0082 do not apply to this AD.

(6) The ''Remarks'' section of EASA AD 2022–0082 does not apply to this AD.

(i) Retained Restrictions on Alternative Actions and Intervals, With a New Exception

This paragraph restates the requirements of paragraph (l) of AD 2022–22–10, with a new exception. Except as required by paragraph (j) of this AD, after the existing maintenance or inspection program has been revised as required by paragraph (g) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2022–0082.

(j) New Revision of the Existing Maintenance or Inspection Program

Except as specified in paragraph (k) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0066, dated March 8, 2024 (EASA AD 2024–0066). Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the requirements of paragraph (g) of this AD.

(k) Exceptions to EASA AD 2024–0066

(1) This AD does not adopt the requirements specified in paragraph (1) of EASA AD 2024–0066.

(2) Paragraph (2) of EASA AD 2024–0066 specifies revising ''the approved AMP,'' within 12 months after its effective date, but this AD requires revising the existing maintenance or inspection program, as applicable, within 90 days after the effective date of this AD.

(3) The initial compliance time for doing the tasks specified in paragraph (2) of EASA AD 2024–0066 is at the applicable ''limitations'' as incorporated by the requirements of paragraph (2) of EASA AD 2024–0066, or within 90 days after the effective date of this AD, whichever occurs later.

(4) This AD does not adopt the provisions specified in paragraphs (3) and (4) of EASA AD 2024–0066.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0066.

(l) New Provisions for Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (j) of this AD, no alternative actions (*e.g.,* inspections) and intervals are allowed unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2024–0066.

(m) 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 (n) of this AD and email to: *AMOC@faa.gov.*

(i) Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(ii) AMOCs approved previously for AD 2022–22–10 are approved as AMOCs for the corresponding provisions of EASA AD 2022–0082 that are required by paragraph (g) of this AD.

(iii) AMOCs approved previously for AD 2022–22–10 are approved as AMOCs for the corresponding provisions of EASA AD 2024–0066 that are required by paragraph (j) of this AD.

(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.

(n) Additional Information

For more information about this AD, contact Timothy Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3367; email: *timothy.p.dowling@faa.gov.*

(o) 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 this AD specifies otherwise.

(3) The following material was approved for IBR on March 17, 2025.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0066, dated March 8, 2024.

(ii) [Reserved]

(4) The following material was approved for IBR on December 30, 2022 (87 FR 72374, November 25, 2022).

(i) EASA AD 2022–0082, dated May 10, 2022.

(ii) [Reserved]

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

(6) 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.

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

Issued on January 15, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02375 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1848; Airspace Docket No. 24–ASO–10]

RIN 2120–AA66

Amendment and Revocation of Domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends domestic Very High Frequency Omnidirectional Range (VOR) Federal Airways V–3, V–35, V–51, V–97, V–157, V–159, V–225, V–437, V–492, V–521, and V–537 and revokes VOR Federal Airways V–295, V–529, and V–601 in the eastern United States. The FAA is taking this action due to the planned decommissioning of the Cypress, FL (CYY), VOR/Distance Measuring Equipment (VOR/DME); the La Belle, FL (LBV), VOR/Tactical Air Navigation (VORTAC); the Pahokee, FL (PHK), VOR/DME; and the Treasure, FL (TRV), VORTAC. This action is in support of the FAA's VOR Minimum Operational Network (MON) Program.

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 the Notice of Proposed Rulemaking (NPRM), all comments received, this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours 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/*. 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: Brian Vidis, 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 modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA 2024–1848 in the **Federal Register** (89 FR 58299; July 18, 2024), proposing to amend domestic VOR Federal Airways V–3, V–35, V–51, V–97, V–157, V–159, V–225, V–437, V–492, V–521, and V–537 and revoke VOR Federal Airways V–295, V–529, and V–601 in the eastern United States. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Differences From the NPRM

Subsequent the NPRM, the FAA identified that in the description of VOR Federal Airway V–3, the radials listed for the SMUGS, FL, Fix, proposed to replace the Treasure, FL (TRV), VORTAC were incorrect. The SMUGS Fix was incorrectly listed as the intersection of the Palm Beach, FL (PBI), VORTAC 340° True (T)/343° Magnetic (M) and the Lee County, FL (RSW), VORTAC 063°T/065°M radials. The correct radials for the SMUGS Fix are the intersection of the Palm Beach, FL (PBI), VORTAC 340°T/343°M and the Melbourne, FL (MLB), VOR/DME 161°T/168°M radials. The corrected radials that form the SMUGS Fix are included in the V–3 preamble discussion and regulatory text section in this final rule.

Additionally, the FAA made minor editorial corrections to the airway descriptions to comply with ATS route formatting requirements.

Incorporation by Reference

Domestic VOR Federal Airways are published in paragraph 6010(a) 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 VOR Federal Airways V–3, V–35, V–51, V–97, V–157, V–159, V–225, V–437, V–492, V–521, and V–537; and revoking VOR Federal Airways V–295, V–529, and V–601 in the eastern United States. This action is due to the decommissioning of the Cypress, FL (CYY), VOR/DME; the La Belle, FL (LBV), VORTAC; the Pahokee, FL (PHK), VOR/DME; and the Treasure, FL (TRV), VORTAC. This action is in support of the FAA's VOR MON Program. The ATS route changes are described below.

V–3: Prior to this final rule, V–3 extended between the Key West, FL (EYW), VORTAC and the intersection of the Savannah, GA (SAV), VORTAC 028° and Allendale, SC (ALD), VOR 116° radials (OWENS Fix); between the Florence, SC (FLO), VORTAC and the Boston, MA (BOS), VOR/DME; and between the Presque Isle, ME (PQI), VOR/DME and the intersection of the Presque Isle VOR/DME 270° and the Millinocket, ME (MLT), VOR/DME 320° radials (LABRE Fix). The FAA removes the Treasure, FL (TRV), VORTAC from the route and replaces it with the intersection of the Palm Beach, FL (PBI), VORTAC 340° T/343° M and the Melbourne, FL (MLB), VOR/DME 161°T/168°M radials (SMUGS, FL, Fix) due to the scheduled decommissioning of the Treasure VORTAC.

Additionally, the FAA removes the airway segment between the Presque Isle VOR/DME and the LABRE Fix near the United States (U.S.)/Canadian border. The airway structure that connected to the LABRE Fix on the Canadian side of the border has been removed so this airway segment was no longer needed for navigation. As amended, the route extends between the Key West VORTAC and the OWENS Fix; and between the Florence VORTAC and the Boston VOR/DME.

V–35: Prior to this final rule, V–35 extended between the Dolphin, FL (DHP), VORTAC and the Pecan, GA (PZD), VOR/DME; between the intersection of the Dublin, GA (DBN), VORTAC 309° and the Athens, GA (AHN), VOR/DME 195° radials (SINCA Fix) and the Morgantown, WV (MGW), VOR/DME; and between the Philipsburg, PA (PSB), VORTAC and the Stonyfork, PA (SFK), VOR/DME. The FAA removes the airway segments between the Dolphin VORTAC and the Lee County, FL (RSW), VORTAC due to the scheduled decommissioning of the Cypress, FL (CYY), VOR/DME. As amended, the route extends between the Lee County VORTAC and the Pecan

VOR/DME, between the SINCA Fix and the Morgantown VOR/DME, and between the Philipsburg VORTAC and the Stonyfork VOR/DME.

V–51: Prior to this final rule, V–51 extended between the Pahokee, FL (PHK), VOR/DME and the Craig, FL (CRG), VORTAC; between the Hinch Mountain, TN (HCH), VOR/DME and the Louisville, KY (IIU), VORTAC; and between the Shelbyville, IN (SHB), VOR/DME and the Chicago Heights, IL (CGT), VORTAC. The FAA removes the airway segments between the Pahokee VOR/DME and the Ormond Beach, FL (OMN), VORTAC due to the scheduled decommissioning of the Pahokee VOR/DME and the Treasure, FL (TRV), VORTAC. As amended, the route extends between the Ormond Beach VORTAC and the Craig VORTAC; between the Hinch Mountain VOR/DME and the Louisville VORTAC; and between the Shelbyville VOR/DME and the Chicago Heights VORTAC.

V–97: Prior to this final rule, V–97 extended between the Dolphin, FL (DHP), VORTAC and the intersection of the Pecan, GA (PZD), VOR/DME 357° and Vienna, GA (VNA), VORTAC 300° radials (PRATZ Fix); between the intersection of the Rome, GA (RMG), VORTAC 060° and the Volunteer, TN (VXV), VORTAC 197° radials (NELLO Fix) and the intersection of the Chicago Heights, IL (CGT), VORTAC 358° and DuPage, IL (DPA), VOR/DME 101° radials (NILES Fix); and between the Nodine, MN (ODI), VORTAC and the Gopher, MN (GEP), VORTAC. The FAA removes the airway segments between the Dolphin VORTAC and the St. Petersburg, FL (PIE), VORTAC due to the scheduled decommissioning of the La Belle, FL (LBV), VORTAC. As amended, the route extends between the St. Petersburg VORTAC and the PRATZ Fix; between the NELLO Fix and the NILES Fix; and between the Nodine VORTAC and the Gopher VORTAC.

V–157: Prior to this final rule, V–157 extended between the Key West, FL (EYW), VORTAC and the Waycross, GA (AYS), VORTAC; between the Florence, SC (FLO), VORTAC and the Tar River, NC (TYI), VORTAC; and between Robbinsville, NJ (RBV), VORTAC and the Albany, NY (ALB), VORTAC. The FAA removes the airway segments between the Dolphin, FL (DHP), VORTAC and the Lakeland, FL (LAL), VORTAC due to the scheduled decommissioning of the La Belle, FL (LBV), VORTAC. As amended, the route extends between the Key West VORTAC and the Dolphin VORTAC; between the Lakeland VORTAC and the Waycross VORTAC; between the Florence VORTAC and the Tar River VORTAC; and between the Robbinsville VORTAC and the Albany VORTAC.

V–159: Prior to this final rule, V–159 extended between the Virginia Key, FL (VKZ), VOR/DME and the Vulcan, AL (VUZ), VORTAC; and between the Holly Springs, MS (HLI), VORTAC and the Omaha, IA (OVR), VORTAC. The FAA removes the airway segments between the Virginia Key VOR/DME and the intersection of the Melbourne, FL (MLB), VOR/DME 269° T/276° M and the Orlando, FL (ORL), VORTAC 140° radials (DEARY Fix) due to the scheduled decommissioning of the Treasure, FL (TRV), VORTAC. As amended, the route extends between the DEARY Fix and the Vulcan VORTAC; and between the Holly Springs VORTAC and the Omaha VORTAC.

V–225: Prior to this final rule, V–225 extended between the Key West, FL (EYW), VORTAC and the Treasure, FL (TRV), VORTAC. The FAA removes the airway segments between the Lee County, FL (RSW), VORTAC and the Treasure VORTAC due to the scheduled decommissioning of the La Belle, FL (LBV), VORTAC and the Treasure VORTAC. Additionally, the FAA removes the specified floor of controlled airspace along the route as it is no longer valid and removes the portion of the route's description that reads ''The portion of V–225 E alternate outside of the United States has no upper limit'', as V–225 E alternate no longer exists. As amended, the route extends between the Key West VORTAC and the Lee County VORTAC.

V–295: Prior to this final rule, V–295 extended between the Virginia Key, FL (VKZ), VOR/DME and the Seminole, FL (SZW), VORTAC. The FAA removes the airway segments between the Virginia Key VOR/DME and the Orlando, FL (ORL), VORTAC due to the scheduled decommissioning of the Treasure, FL (TRV), VORTAC. Additionally, the FAA removes the airway segments between the Orlando VORTAC and the Seminole VORTAC due to redundant navigation capability provided by VOR Federal Airways V–159 and V–7. The FAA removes the route in its entirety.

V–437: Prior to this final rule, V–437 extended between the Dolphin, FL (DHP), VORTAC and the Florence, SC (FLO), VORTAC. The FAA removes the airway segments between the Dolphin VORTAC and the Melbourne, FL (MLB), VOR/DME due to the scheduled decommissioning of the Pahokee, FL (PHK), VOR/DME. As amended, the route extends between the Melbourne VOR/DME and the Florence VORTAC.

V–492: Prior to this final rule, V–492 extended between the La Belle, FL (LBV), VORTAC and the Melbourne, FL (MLB), VOR/DME. The FAA removes the airway segments between the La Belle VORTAC and the Palm Beach, FL (PBI), VORTAC due to the scheduled decommissioning of the La Belle VORTAC and the Pahokee, FL (PHK), VOR/DME. As amended, the route extends between the Palm Beach VORTAC and the Melbourne VOR/DME.

V–521: Prior to this final rule, V–521 extended between the Dolphin, FL (DHP), VORTAC and the Vulcan, AL (VUZ), VORTAC. The FAA removes the airway segments between the Dolphin VORTAC and the Lee County, FL (RSW), VORTAC due to the scheduled decommissioning of the La Belle, FL (LBV), VORTAC. Additionally, the FAA removes the airway segments between the Lee County VORTAC and the Marianna, FL (MAI), VORTAC due to redundant navigation capability provided by VOR Federal Airways V–7 and V–198. As amended, the route extends between the Marianna VORTAC and the Vulcan VORTAC.

V–529: Prior to this final rule, V–529 extended between the intersection of the Miami, FL, VOR 222° and the La Belle, FL (LBV), VORTAC 158° radials (FAMIN Fix) and the La Belle, VORTAC. The FAA removes the airway in its entirety due to the scheduled decommissioning of the La Belle VORTAC.

V–537: Prior to this final rule, V–537 extended between the Palm Beach, FL (PBI), VORTAC and the Greenville, FL (GEF), VORTAC. The FAA removes the airway segments between the Palm Beach VORTAC and the intersection of the Melbourne, FL (MLB), VOR/DME 269° T/276° M and the Orlando, FL (ORL), VORTAC 140° T/140° M radials (DEARY Fix) due to the scheduled decommissioning of the Treasure, FL (TRV), VORTAC. As amended, the route extends between the DEARY Fix and the Greenville VORTAC.

V–601: Prior to this final rule, V–601 extended between the Pahokee, FL (PHK), VOR/DME and the Key West, FL (EYW), VORTAC. The FAA removes the airway in its entirety due to the scheduled decommissioning of the Pahokee VOR/DME.

The navigational aid radials listed in the VOR Federal airway description regulatory text of this final rule are stated in degrees True north.

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 amending domestic VOR Federal Airways V–3, V–35, V–51, V–97, V–157, V–159, V–225, V–437, V–492, V–521, and V–537 and revoking VOR Federal Airways V–295, V–529, and V–601 in the eastern United States, 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); and paragraph 5–6.5b, which categorically excludes from further environmental impact review ''Actions regarding establishment of jet routes and Federal airways (see 14 CFR 71.15, *Designation of jet routes and VOR Federal airways*) . . .''. As such, this airspace action is not expected to cause 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. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List 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 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–3 [Amended]

From Key West, FL; INT Key West 083° and Dolphin, FL, 191° radials; Dolphin; Ft. Lauderdale, FL; Palm Beach, FL; INT Palm Beach 340° and Melbourne, FL, 161° radials; Melbourne; Ormond Beach, FL; Brunswick, GA; INT Brunswick 014° and Savannah, GA, 177° radials; Savannah; to INT Savannah 028° and Allendale, SC, 116° radials. From Florence, SC; Sandhills, NC; Raleigh-Durham, NC; INT Raleigh-Durham 016° and Flat Rock, VA, 214° radials; Flat Rock; Gordonsville, VA; INT Gordonsville 331° and Martinsburg, WV, 216° radials; Martinsburg; Westminster, MD; INT Westminster 048° and Modena, PA, 258° radials; Modena; Solberg, NJ; INT Solberg 044° and Carmel, NY, 243° radials; Carmel; Hartford, CT; INT Hartford 084° and Boston, MA, 224° radials; to Boston. The airspace within R–2916, R–2934, and R–2935 is excluded.

* * * * *

V–35 [Amended]

From Lee County, FL; INT Lee County 326° and St. Petersburg, FL, 152° radials; St. Petersburg; INT St. Petersburg 350° and Cross City, FL, 168° radials; Cross City; Greenville, FL; to Pecan, GA. From INT Dublin, GA, 309° and Athens, GA, 195° radials; Athens; Electric City, SC; Sugarloaf Mountain, NC; Holston Mountain, TN; Glade Spring, VA; Charleston, WV; INT Charleston 051° and Elkins, WV, 264° radials; Clarksburg, WV; to Morgantown, WV. From Philipsburg, PA; to Stonyfork, PA.

* * * * *

V–51 [Amended]

From Ormond Beach, FL; to Craig, FL. From Hinch Mountain, TN; Livingston, TN; to Louisville, KY. From Shelbyville, IN; INT Shelbyville 313° and Boiler, IN, 136° radials; Boiler; to Chicago Heights, IL.

* * * * *

V–97 [Amended]

From St. Petersburg, FL; Seminole, FL; Pecan, GA; to INT Pecan 357° and Vienna, GA 300° radials. From INT Rome, GA 060° and Volunteer, TN, 197° radials; Volunteer; London, KY; Lexington, KY; Cincinnati, KY; Shelbyville, IN; INT Shelbyville 313°and Boiler, IN, 136° radials; Boiler; Chicago Heights, IL; to INT Chicago Heights 358° and DuPage, IL, 101° radials. From Nodine, MN; to Gopher, MN. The airspace below 2,000 feet MSL outside the United States is excluded.

* * * * *

V–157 [Amended]

From Key West, FL; INT Key West 038° and Dolphin, FL, 244° radials; to Dolphin. From Lakeland, FL; Ocala, FL; INT Ocala 346° and Taylor, FL, 170° radials; Taylor; to Waycross, GA. From Florence, SC; Fayetteville, NC; Kinston, NC; to Tar River, NC. From Robbinsville, NJ; INT Robbinsville 044° and LaGuardia, NY, 213° radials; LaGuardia; INT LaGuardia 032° and Deer Park, NY, 326° radials; INT Deer Park 326° and Kingston, NY, 191° radials; Kingston; to Albany, NY.

* * * * *

V–159 [Amended]

From INT Melbourne, FL, 269° and Orlando, FL, 140° radials; Orlando; Ocala, FL; Cross City, FL; Greenville, FL; Pecan, GA; Eufaula, AL; INT Eufaula 320° and Vulcan, AL, 139° radials to Vulcan. From Holly Springs, MS; Gilmore, AR; Walnut Ridge, AR; Dogwood, MO; Springfield, MO; Napoleon, MO; INT Napoleon 005° and St. Joseph, MO, 122° radials; St. Joseph; to Omaha, IA.

* * * * *

V–225 [Amended]

From Key West, FL; to Lee County, FL.

* * * * *

V–295 [Removed]

* * * * *

V–437 [Amended]

From Melbourne, FL; INT Melbourne 322° and Ormond Beach, FL, 211° radials; Ormond Beach; INT Ormond Beach 360° and Savannah, GA, 177° radials; Savannah; INT Savannah 054° and Charleston, SC, 231° radials; Charleston; to Florence, SC. The airspace within R–2935 is excluded.

* * * * *

V–492 [Amended]

From Palm Beach, FL; INT Palm Beach 356° and Melbourne, FL, 146° radials, to Melbourne.

* * * * *

V–521 [Amended]

From Marianna, FL; Wiregrass, AL; INT Wiregrass 333° and Montgomery, AL, 129° radials; Montgomery; INT Montgomery 357° and Vulcan, AL, 139° radials; to Vulcan.

* * * * *

V–529 [Removed]

* * * * *

V–537 [Amended]

From INT Melbourne, FL, 269° and Orlando, FL, 140° radials; INT Orlando 140° and Melbourne 298° radials; INT Melbourne 298° and Ocala, FL, 145° radials; Ocala; Gators, FL; to Greenville, FL.

* * * * *

V–601 [Removed]

* * * * *

Issued in Washington, DC, on February 4, 2025.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2025–02390 Filed 2–7–25; 8:45 am]

BILLING CODE 4910–13–P

POSTAL SERVICE

39 CFR Part 961

Debt Collection Act Petitions Against Current Employees

AGENCY: Postal Service.

ACTION: Final rule.

SUMMARY: This amends the rules of practice prescribed by the Judicial Officer for ease of understanding and to reflect current practice.

DATES: Effective February 10, 2025.

ADDRESSES: Postal Service Judicial Officer Department, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078.

FOR FURTHER INFORMATION CONTACT: Staff Counsel Zahava Colicelli at (708) 812–1927.

SUPPLEMENTARY INFORMATION:

A. Background

The Judicial Officer Department reviewed its rules for Debt Collection Act Petitions and found it necessary to make some revisions for the reader's ease of understanding. Some changes also reflect current practices.

B. Explanation of Changes

Amendments to 39 CFR Part 961

The rule is revised for better ease of understanding and to reflect current practices.

List of Subjects in 39 CFR Part 961

Administrative practice and procedure, Claims, Government employees, Wages.

Accordingly, for the reasons stated, the Postal Service revises 39 CFR part 961 to read as follows:

PART 961—DEBT COLLECTION ACT PROCEEDINGS AGAINST CURRENT EMPLOYEES

Sec.

Authority: 39 U.S.C. 204, 401; 5 U.S.C. 5514.

§ 961.1 (Rule 1) Authority for rules in this part.

This part is issued by the Judicial Officer under authority delegated by the Postmaster General.

§ 961.2 (Rule 2) Scope of rules in this part.

This part applies to:

(a) The hearing provided by section 5 of the Debt Collection Act of 1982, as amended, 5 U.S.C. 5514, and in accordance with the Employee and Labor Relations Manual, sections 450 and 460, challenging the existence, amount, or the repayment schedule of an employee debt to the Postal Service; or

(b) A hearing under section 5 of the Debt Collection Act when the Judicial Officer Department adjudicates a petition for a creditor agency under an agreement between the Postal Service and that agency. In such cases, all references to Postal Service in this part will be construed to refer to the creditor agency.

§ 961.3 (Rule 3) Definitions.

As used in this part:

(a) *Employee.* A current Postal Service employee who is alleged to be indebted to the Postal Service.

(b) *General Counsel.* The General Counsel of the Postal Service or the General Counsel's designee.

(c) *Hearing Official.* (1) An Administrative Law Judge qualified to hear cases under the Administrative Procedure Act;

(2) An Administrative Judge appointed under the Contract Disputes Act of 1978, as amended; or

(3) Any other qualified person who is not under the control or supervision of the Postmaster General and is designated by the Judicial Officer to conduct the hearing.

(d) *Judicial Officer.* The Judicial Officer, Associate Judicial Officer, or Acting Judicial Officer of the Postal Service.

(e) *Notice of involuntary administrative salary offset.* The formal written notice required by section 5 of the Debt Collection Act, including the provision of notice of the procedures under this part, before involuntary offset may be taken from an employee's salary.

(f) *Days.* Calendar days.

(g) *Recorder.* The Recorder, Judicial Officer Department, United States Postal Service, located at 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078. The Recorder's telephone number is (703) 812–1900, and the fax number is (703) 812–1901.

§ 961.4 (Rule 4) Employee petition for a hearing.

(a) If an employee wants to challenge the existence, amount, or repayment schedule of a debt assessed under section 5 of the Debt Collection Act, the employee or their representative must file a written petition electronically at *https://usps-judicialoffice.journaltech.com,* or by mail at Recorder, Judicial Officer Department, United States Postal Service, 2101 Wilson Boulevard, Suite 600, Arlington, VA 22201–3078. The petition must be filed on or before the 15th day following the receipt of the Postal Service's notice of involuntary administrative salary offset. The Hearing Official may waive this deadline for good cause timely shown. If the Postal Service initiated involuntary administrative salary offset without issuing a notice as required by the Debt Collection Act, the Hearing Official may retain authority to resolve the debt assessment as if a notice had been issued and may order the Postal Service to return any improperly offset money.

(b) A sample petition is available at the Judicial Officer Electronic Filing website (*https://usps-judicialoffice.journaltech.com*). The petition should include the following:

(1) The words ''Petition for Hearing under the Debt Collection Act'' at the top of the first page.

(2) The employee's name, work address, home address, primary telephone number, email address, and, if applicable, any other address and telephone number at which the employee may be contacted during normal business hours.

(3) The date on which the employee received the notice of involuntary administrative salary offset.

(4) A copy of the notice of involuntary administrative salary offset.

(5) A statement indicating whether the employee challenges:

(i) The existence of the debt identified in the notice of involuntary administrative salary offset;

(ii) The amount of the debt identified in the notice of involuntary administrative salary offset; and

(iii) The involuntary repayment terms established by the Postal Service in the notice of involuntary administrative salary offset.

(iv) For each challenge, the petition should describe the basis of the employee's disagreement. The employee should identify and explain the facts, evidence, and legal arguments that support the petition.

(6) Copies of all records in the employee's possession that relate to the debt.

(7) If an employee contends that the Postal Service's proposed offset schedule would result in a severe financial hardship for either the employee or the employee's spouse or dependents, the employee must propose an alternative offset schedule. The employee must provide a statement and supporting documents showing the employee's financial status. This statement must address total income from all sources; assets; liabilities; number of dependents; and expenses for food, housing, clothing, transportation, medical care, and exceptional expenses, if any.

(c) The employee must file any additional information directed by the Hearing Official.

§ 961.5 (Rule 5) Effect of filing a petition.

After receipt and docketing of the employee's petition for a hearing, further collection activity by the Postal Service must cease as required by section 5 of the Debt Collection Act until the petition is resolved by the Hearing Official.

§ 961.6 (Rule 6) Filing, docketing, and serving documents; computation of time; representation of parties.

(a) *Filing.* The Judicial Officer Department calculates all filing deadlines in Eastern Time. After a petition is filed, all documents relating to the petition must be filed using the electronic filing system, unless the Hearing Official permits otherwise. Documents submitted using the electronic filing system are considered filed as of the date and time (Eastern Time) reflected in the system. Documents mailed to the Recorder are considered filed on the date mailed. Filings by any other means are considered filed when the Recorder receives a complete copy of the filing during normal business hours. The Recorder's normal business hours are between 8:45 a.m. and 4:45 p.m., Eastern Time. Documents filed by other means after 4:45 p.m., Eastern Time, or on a Saturday, Sunday, or Federal holiday, will be considered filed on the next business day.

(b) *Docketing.* The Recorder will maintain a record of Debt Collection Act petitions and will assign a docket number to each case. After notification of the docket number, the employee and the Postal Service must refer to the docket number on all further filings.

(c) *Service.* If both parties have access to the electronic filing system, separate service on the opposing party is not required. Otherwise, documents must be served personally, by mail, or by email on the opposing party, noting on the document filed, or on the transmitting letter, that a copy has been so furnished.

(d) *Time computation.* A filing period excludes the day the period begins, and includes the last day of the period, unless the last day is a Saturday, Sunday, or Federal holiday, in which case the period runs until the end of the next day that is not a Saturday, Sunday, or Federal holiday. Requests for extensions of time must:

(1) Be made in writing before the date on which the submission is due;

(2) State the reason for the request;

(3) Represent that the moving party has contacted the opposing party about the request, or made reasonable efforts to do so; and

(4) Indicate whether the opposing party consents to the extension. Requests for extensions of time submitted after the date on which the submission was due must explain why the moving party was unable to request an extension before the deadline.

(e) *Representation of parties.* The Postal Service's representative, as designated by the General Counsel, must file a notice of appearance as soon as practicable, but no later than the date the answer is filed. Employees may represent themselves or be represented by an attorney or other designated person. As applicable, an employee's representative must file a notice of appearance as soon as practicable. The Postal Service must direct all further communications and documents to the employee's representative. A representative who later withdraws must file a notice that includes the name, mailing address, email address, and telephone number of the person who will assume responsibility for representing the party.

§ 961.7 (Rule 7) Answer to petition.

The Postal Service must file an answer to the petition by the date set out in the docketing notice. The Postal Service must attach all documents that are available and relevant to the Postal Service's debt claim and the proposed administrative salary offset schedule. The answer must include a clear and thorough description of the basis for the alleged debt, a calculation of the amount of the alleged debt, and a proposed offset schedule.

§ 961.8 (Rule 8) Hearing Official's authority and responsibilities.

The Hearing Official's authority includes, but is not limited to:

(a) Ruling on motions and requests by the parties.

(b) Issuing notices, orders, and memoranda to the parties concerning the hearing proceedings.

(c) Conducting telephone conferences with the parties to expedite the proceedings and schedule further proceedings. The Hearing Official will prepare a memorandum of telephone conference, which will be sent to both parties and will serve as the official record of that conference.

(d) Determining whether the petition will be decided after an oral hearing or on the written record. If an oral hearing is held, the Hearing Official will set the place, date, and time for a hearing.

(e) Administering oaths and affirmations to witnesses.

(f) Conducting the hearing in a manner to maintain discipline and decorum while ensuring that relevant, reliable, and probative evidence is elicited on the issues in dispute and irrelevant, immaterial, or repetitious evidence is excluded. The Hearing Official may examine witnesses to ensure that a satisfactory record is developed.

(g) Establishing the record in the case. The weight to be attached to any evidence will rest within the Hearing Official's discretion. Except as the Hearing Official may otherwise allow, no evidence will be received after completion of an oral hearing or, in cases submitted on the written record, after notification by the Hearing Official that the record is closed. The Hearing Official may require either party, with appropriate notice to the other party, to submit additional evidence on any relevant matter at any time within the Hearing Official's discretion.

(h) Granting reasonable time extensions, suspending proceedings, or other relief for good cause shown in the Hearing Official's sole discretion.

(i) Issuing the final decision. The decision will include a determination of the validity and amount of the alleged debt and, where applicable, the repayment schedule. The Hearing Official will issue the decision as soon as practicable after the close of the record. Collection activity remains stayed until the decision is issued.

§ 961.9 (Rule 9) Oral hearing or submission on the written record.

(a) An oral hearing may be held at the sole discretion of the Hearing Official. An oral hearing may be conducted in-person, by telephone, by video conference, or other appropriate means at the discretion of the Hearing Official. The Hearing Official will arrange for the preparation of a transcript of the hearing. That transcript will be the official record of the hearing. In the event of an unexcused absence of one of the parties, the hearing may proceed without the absent party.

(b) If an oral hearing is not held, the record may be supplemented with affidavits or declarations. The Hearing Official's decision will be based on the written submissions. Submission on the written record does not relieve the parties from the necessity of proving the facts supporting their allegations or defenses.

§ 961.10 (Rule 10) Effect of Hearing Official's decision; motion for reconsideration.

(a) After the receipt of written submissions or after the conclusion of the hearing, the Hearing Official will issue a written decision. The decision will include findings of fact and conclusions of law.

(b) The Hearing Official will send each party a copy of the decision. The Hearing Official's decision is the final administrative determination on the employee's debt or repayment schedule, subject to a timely motion for reconsideration.

(c) A motion for reconsideration must be filed within 10 days from receipt of the decision and will be allowed only at the discretion of the Hearing Official. A motion for reconsideration by the employee will not stay any collection action authorized by the Hearing Official's decision.

§ 961.11 (Rule 11) Consequences for failure to comply with rules in this part.

(a) The Hearing Official may determine that the employee has waived their right to a hearing and that administrative offset may be initiated if the employee does not show good cause for failing to file a timely petition.

(b) The Hearing Official may grant a petition, and as appropriate, invalidate a debt if, in the absence of good cause and after failing to comply with an order by the Hearing Official, the Postal Service fails to file a timely answer. If the petition is granted for this reason, the Postal Service will be prohibited from collecting the debt by involuntary administrative salary offset.

(c) If a party fails to comply with this part or the Hearing Official's orders, the Hearing Official may take reasonable and proper action under the circumstances, including dismissing, denying, or granting the petition as appropriate.

§ 961.12 (Rule 12) Ex parte communications.

Except as described in this section, a party may not communicate with a Hearing Official or other member of the Judicial Officer Department without the other party present. Exceptions:

(a) A Hearing Official or other member of the Judicial Officer Department may talk to a party individually to discuss procedural matters.

(b) A Hearing Official may talk to a party individually when a telephone conference or hearing has been scheduled and the other party does not appear.

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2025–02338 Filed 2–7–25; 8:45 am]

BILLING CODE 7710–12–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

43 CFR Part 4

[Docket No. DOI–2022–0010]

RIN 1094–AA57

Practices Before the Department of the Interior; Delay of Effective Date

AGENCY: Office of Hearings and Appeals, Interior.

ACTION: Interim final rule; delay of effective date.

SUMMARY: In accordance with the memorandum of January 20, 2025, from President Donald J. Trump, entitled ''Regulatory Freeze Pending Review,'' this action delays the effective date of the interim final rule published on January 10, 2025, until March 21, 2025.

DATES: As of February 7, 2025, the effective date of the rule published at 90 FR 2332 on January 10, 2025, is delayed to a new effective date of March 21, 2025.

FOR FURTHER INFORMATION CONTACT: Rachel R. Lukens, telephone: (703) 235–3810, email: *Rachel_Lukens@oha.doi.gov.* Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or Tele Braille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The interim final rule, ''Practices Before the Department of the Interior,'' published on January 10, 2025, at 90 FR 2332, included a 30-day public comment period that ends on February 10, 2025. The effective date of the interim final rule is February 10, 2025. The Office of Hearings and Appeals (OHA) is taking this action in response to Memorandum M–25–10 of January 20, 2025, from the Executive Office of the President, Office of Management and Budget, Implementation of Regulatory Freeze, regarding the postponement of effective dates of certain published regulations. The memorandum directed the heads of Executive Departments and Agencies to consider postponing for sixty days from the date of the memorandum the effective date for any rules that have been published in the **Federal Register**, or any rules that have been issued in any manner but have not taken effect, for the purpose of reviewing any questions of fact, law, and policy that the rule may raise. OHA is delaying the effective date of the interim final rule published at 90 FR 2332 to March 21, 2025.

OHA is delaying the effective date of the interim final rule without opportunity for public comment and making the delay effective immediately, based on the good cause exemptions in 5 U.S.C. 553(b)(B) and 553(d)(3), in that seeking public comment on the delay is impracticable, unnecessary, and contrary to the public interest. The delay in effective date until March 21, 2025, is necessary to give Department officials the opportunity for further review and consideration of new regulations, consistent with the memorandum of the President, dated January 20, 2025. Given the imminence of the effective date of the interim final rule, seeking prior public comment on this delay is impractical, and contrary to

the public interest in the orderly promulgation and implementation of regulations. For the foregoing reasons, the good cause exception in 5 U.S.C. 553(d)(3) also applies to OHA's decision to make this action effective immediately.

Charles Dankert,

Senior Advisor to the Secretary, Exercising the Delegated Authority of the Assistant Secretary for Policy, Management and Budget.

[FR Doc. 2025–02472 Filed 2–7–25; 8:45 am]

BILLING CODE 4334–CC–P

Proposed Rules

Federal Register
Vol. 90, No. 26
Monday, February 10, 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.

LIBRARY OF CONGRESS

Copyright Royalty Board

37 CFR Part 383

[Docket No. 23–CRB–0013–NSR (2026–2030)]

Determination of Rates and Terms for Digital Performance of Sound Recordings by New Subscription Services and Making of Ephemeral Copies To Facilitate Those Performances (NSS V); Correction

AGENCY: Copyright Royalty Board (CRB), Library of Congress.

ACTION: Proposed rule; correction.

SUMMARY: On December 19, 2024, the Copyright Royalty Judges published for comment proposed regulations governing the rates and terms for the digital performances of sound recordings by new subscription services and for the making of ephemeral recordings necessary to facilitate those transmissions for the period commencing January 1, 2026, and ending on December 31, 2030. That document omitted certain parentheses in the rate adjustment formulas, leaving the parentheses in those formulas unbalanced. This document corrects those formulas.

DATES: The comment period for the proposed rule published December 19, 2024, at 89 FR 103722, is reopened. Comments should be received on or before March 12, 2025.

ADDRESSES: You may submit comments using eCRB, the Copyright Royalty Board's online electronic filing application, at *https://app.crb.gov/.*

Instructions: To send your comment through eCRB, if you don't have a user account, you will first need to register for an account and wait for your registration to be approved. Approval of user accounts is only available during business hours. Once you have an approved account, you can only sign in and file your comment after setting up multi-factor authentication, which can be done at any time of day. All comments must include the Copyright Royalty Board name and the docket number for this proposed rule (23–CRB–0013–NSR (2026–2030)). All properly filed comments will appear without change in eCRB at *https://app.crb.gov,* including any personal information provided.

Docket: For access to the docket, go to eCRB, the Copyright Royalty Board's electronic filing and case management system, at *https://app.crb.gov/,* and search for docket number 23–CRB–0013–NSR (2026–2030).

FOR FURTHER INFORMATION CONTACT: Anita Brown, CRB Program Specialist, at (202) 707–7658 or *crb@loc.gov.*

SUPPLEMENTARY INFORMATION: This document provides a correction to the formulas in the proposed rule, particularly those in § 383.3.

Correction

■ In the **Federal Register** of Thursday, December 19, 2024, in FR Doc. 2024–29384, at 89 FR 103722, on page 103725 in the first column, § 383.3(b)(2)(i)(A) and (B) are corrected to read as follows:

§ 383.3 [Corrected]

* * * * *

(b) * * *

(2) * * *

(i) * * *

(A) For Stand-Alone Contracts, (1 + (Cy − 315.664)/315.664) × $0.0234; and

(B) For Bundled Contracts, (1 + (Cy − 315.664)/315.664) × $0.0390; and

* * * * *

Dated: January 28, 2025.

David P. Shaw,

Chief Copyright Royalty Judge.

[FR Doc. 2025–02220 Filed 2–7–25; 8:45 am]

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Notices

Federal Register
Vol. 90, No. 26
Monday, February 10, 2025

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

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–857]

Raw Honey From Brazil: Notice of Court Decision Not in Harmony With the Final Determination of Antidumping Duty Investigation; Notice of Amended Final Determination; Notice of Amended Antidumping Duty Order

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

SUMMARY: On January 24, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda.* v. *United States,* Court No. 22–00185, sustaining the U.S. Department of Commerce (Commerce)'s first remand redetermination pertaining to the antidumping (AD) duty investigation of raw honey (honey) from Brazil covering the period of investigation April 1, 2020, through March 31, 2021. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final determination in the investigation, and that Commerce is amending the final determination and the resulting AD order with respect to the dumping margins assigned to Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda (Supermel) and all other producers and/or exporters of subject merchandise.

DATES: Applicable February 3, 2025.

FOR FURTHER INFORMATION CONTACT: Miranda Bourdeau, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2021.

SUPPLEMENTARY INFORMATION:

Background

On April 14, 2022, Commerce published its *Final Determination* in the less-than-fair value investigation of honey from Brazil.[1] In its *Final Determination,* Commerce found that Supermel: (1) failed to provide requested source documentation; [2] and (2) supplied cost of production (COP) data that were irreconcilable to the information supplied by its raw honey suppliers.[3] Accordingly, Commerce found that Supermel's COP data were unverifiable and that Supermel failed to act to the best of its ability in responding to Commerce's requests for information. Commerce declined to rely on Supermel's COP data for the *Final Determination* and, instead, Commerce relied entirely on facts otherwise available with adverse inferences (AFA) for assigning an estimated dumping margin to Supermel.[4] Because the only rate from the *Final Determination* that was not zero, *de minimis,* or based entirely on AFA was the rate calculated for another respondent, the rate calculated for the other respondent was also assigned as the rate for all other producers and exporters.[5] Commerce subsequently published the AD order on honey from Brazil.[6]

Supermel appealed Commerce's *Final Determination.* On June 5, 2024, the CIT remanded the *Final Determination* to Commerce, holding that the discrepancies between Supermel's reported COP data and its suppliers' COP data were: (1) relatively minor; (2) understandable given the beekeepers' lack of recordkeeping; and (3) unnecessary for verifying Supermel's COP information, given that copious information already existed on the record that Commerce could have used to support relying on Supermel's COP.[7] The CIT remanded the *Final Determination* to Commerce to reconsider, based on the existing record, its decision to apply AFA to Supermel and to determine a new estimated dumping margin for Supermel.[8]

In its remand redetermination, issued in August 2024, Commerce relied on the information already in existence on the record to support Supermel's COP, and therefore Commerce calculated estimated weighted-average dumping margins for Supermel and all other producers and/or exporters rather than relying on AFA.[9] The CIT sustained Commerce's final redetermination.[10]

Timken Notice

In its decision in *Timken,*[11] as clarified by *Diamond Sawblades,*[12] the Court of Appeals for the Federal Circuit held that, pursuant to section 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and must suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's January 24, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Determination.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Determination

Because there is now a final court judgment, Commerce is amending its *Final Determination* with respect to Supermel and all other producers and/or exporters as follows:

[1] *See Raw Honey from Brazil: Final Determination of Sales at Less Than Fair Value,* 87 FR 22182 (April 14, 2022) (*Final Determination*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See Final Determination* IDM at 12–17.

[3] *Id.* at 12–14.

[4] *See Final Determination,* 87 FR at 22183.

[5] *Id.*

[6] *See Raw Honey from Argentina, Brazil, India, and the Socialist Republic of Vietnam: Antidumping Duty Orders,* 87 FR 35501 (June 10, 2022) (*Order*).

[7] *See Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda.* v. *United States,* Court No. 22–00185, Slip Op. 24–64 (CIT June 5, 2024) at 15–16.

[8] *Id.* at 43.

[9] *See* Final Results of Redetermination Pursuant to Court Remand, *Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda.* v. *United States,* Court No. 22–00185, Slip Op. 24–64 (CIT June 5, 2024), dated August 26, 2024.

[10] *See Apiário Diamante Comercial Exportadora Ltda. and Apiário Diamante Produção e Comercial de Mel Ltda.* v. *United States,* Court No. 22–00185, Slip Op. 25–10 (CIT January 24, 2025).

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

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

Exporter	Estimated weighted-average dumping margin (percent)
Apiário Diamante Comercial Exportadora Ltda/Apiário Diamante Produção e Comercial de Mel Ltda (Supermel)	10.52
All Others	9.38

Amended AD Order

Pursuant to 735(c)(2) of the Act, Commerce shall ''issue an antidumping duty order under section 736(a)'' of the Act when the final determination is affirmative. As a result of this amended final determination, Commerce is hereby amending the *Order* to revise the estimated weighted-average dumping margins assigned to Supermel and all-other producers and/or exporters of subject merchandise, as noted above.

Cash Deposit Requirements

Because Supermel does not have a superseding cash deposit rate, *i.e.,* there have been no final results published in a subsequent administrative review, and because of the change to the rate assigned to all other producers and exporters of subject merchandise, Commerce will issue revised cash deposit instructions to U.S. Customs and Border Protection.

Notification to Interested Parties

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

Dated: February 4, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–02416 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–201–864]

Certain Corrosion-Resistant Steel Products From Mexico: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain corrosion-resistant steel products (CORE) from Mexico. The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Drew Jackson or Maria Teresa Aymerich, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4406 or (202) 482–0499, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On October 2, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.[1] On November 14, 2024, Commerce postponed the preliminary determination until February 3, 2025.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are CORE from Mexico. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage, (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.[6]

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent LTFV investigation of CORE

[1] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 89 FR 80204 (October 2, 2024) (*Initiation Notice*).

[2] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 89 FR 89955 (November 14, 2024).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Mexico,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 89 FR at 80205.

[6] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

from Mexico, based on a request made by the petitioners.[8] Consequently, this final CVD determination will be issued on the same date as the final determination for the LTFV investigation, which is currently scheduled to be issued no later than June 17, 2025, unless postponed.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily found a zero rate for Galvasid. Therefore, the only rate that is not zero, *de minimis* or based entirely on facts otherwise available is the rate calculated for Ternium. Consequently, the rate calculated for Ternium is also assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Ternium Mexico, S.A. de C.V.[9]	1.56
Galvasid S.A. de C.V.[10]	0.00
All Others	1.56

Disclosure

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

[8] *See* Petitioners' Letter, ''Request to Align the Final Determination,'' dated January 6, 2025.

[9] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Ternium Mexico, S.A. de C.V.: Ferropak Comercial, S.A. de C.V., Las Encinas, S.A. de C.V., Consorcio Minero Benito Juarez Peña Colorada, S.A. de C.V., Techgen, S.A. de C.V., Tenigal, S.A. de C.V., and Ternium Gas Mexico, S.A. de C.V.

[10] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross-owned with Galvasid, S.A. de C.V.: Perfiles LM, S.A. de C.V., Indalum, S.A. de C.V., and Grupo Industrial LM, S.A. de C.V.

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above. Because the subsidy rate for Galvasid is zero, Commerce is directing CBP not to suspend liquidation of entries of the merchandise from this company.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD CORE investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[13] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final

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

[12] *See* 19 351.309(c)(2) and (d)(2).

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

[14] *See APO and Service Final Rule.*

determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of CORE from Mexico are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

Dated: February 3, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this investigation are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight. Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this investigation:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides (''tin free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio; and

Also excluded from the scope of the antidumping duty investigation on corrosion resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order,* 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty investigation on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty investigations on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to the investigations may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2025–02379 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–351–863]

Certain Corrosion-Resistant Steel Products From Brazil: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to

producers and exporters of certain corrosion-resistant steel products (CORE) from Brazil during the period of investigation, January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Sofia Pedrelli or Paul Senoyuit, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4310 or (202) 482–6206, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On October 2, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.[1] On November 14, 2024, Commerce postponed the preliminary determination until February 3, 2025.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are CORE from Brazil. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice*. Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.[6]

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent LTFV investigation of CORE from Brazil, based on a request made by the petitioners.[8] Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than June 17, 2025, unless postponed.[9]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily found a *de minimis* rate for Usinas Siderúrgicas de Minas Gerais S.A. (Usiminas)[10] and its cross-owned companies. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Companhia Siderúrgica Nacional (CSN) and its cross-owned companies. Consequently, the rate calculated for CSN is also assigned as the rate for all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

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[1] *See Certain Corrosion-Resistant Steel Products from Brail, Canada, Mexico, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 89 FR 80204 (October 2, 2024) (*Initiation Notice*).

[2] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 89 FR 89955 (November 14, 2024).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination of the Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 89 FR at 80205.

[6] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* Petitioners' Letter, ''Request to Align Countervailing Duty Investigation Final Determination with Antidumping Duty Investigation Final Determination,'' dated January 14, 2025. The petitioners are Steel Dynamics Inc., Nucor Corporation, United States Steel Corporation, Wheeling Nippon Steel, Inc., and the United Steel, Paper and Forestry, Rubber, Manufacturing Energy, Allied Industrial and Service Workers International Union, AFL–CIO, CLC.

[9] *See Corrosion-Resistant Steel Products from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, the Republic of Türkiye, the United Arab Emirates, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 90 FR 8260 (January 28, 2025).

[10] Commerce's Clarification Memorandum inadvertently misspelled Usinas Siderúrgicas de Minas Gerais S.A. as *Usiminas* Siderúrgicas de Minas Gerais S.A.. In this notice, we have correctly identified the respondent as Usinas Siderúrgicas de Minas Gerais S.A.

Company	Subsidy rate (percent *ad valorem*)
Companhia Siderúrgica Nacional; CSN Mineração S.A.; Companhia Energetica Chapeco; Companhia Estadual de Geração de Energia Elétrica.[11]	1.72.
Usinas Siderúgucas de Minas Gerais S.A.;[12] Mineração Usiminas S.A.; Usiminas Mecânica S.A; Unigal Ltda.; Ternium Brasil Ltda.	0.33 (*de minimis*).
All Others	1.72.

Disclosure

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

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation section entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above. Because the subsidy rate for Usiminas and its cross-owned companies is de minimis, Commerce is directing CBP not to suspend liquidation of entries of the merchandise from these companies.

[11] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross owned with CSN: CSN Mineração S.A.; Companhia Energetica Chapeco; and Companhia Estadual de Geração de Energia Elétrica. *See* Preliminary Decision Memorandum at 6.

[12] As discussed in the Preliminary Decision Memorandum, Commerce has found the following companies to be cross owned with Usiminas: Mineração Usiminas S.A.; Usiminas Mecânica S.A; Unigal Ltda.; Ternium Brasil Ltda. *See* Preliminary Decision Memorandum at 6–7.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD CORE investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[13] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[14]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[15] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[16]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of CORE from Brazil are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published pursuant to sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

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

[14] *See* 19 351.309(c)(2) and (d)(2).

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

[16] *See APO and Service Final Rule.*

Dated: February 3, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this investigation are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this investigation:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate'') or both chromium and chromium oxides (''tin free steel''), whether or not painted, varnished or coated with plastics or other non-metallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio; and

Also excluded from the scope of the antidumping duty investigation on corrosion resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order,* 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty investigation on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty investigations on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to the investigation may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2025–02378 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–122–872]

Certain Corrosion-Resistant Steel Products From Canada: Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Determination With Final Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain corrosion-resistant steel products (CORE) from Canada. The period of investigation is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Colin Thrasher or Eric Hawkins, AD/CVD Operations, Office V, Enforcement and Compliance, International Trade Administration, U.S. Department of

Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3004 or (202) 482–1988, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On October 2, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.[1] On November 14, 2024, Commerce postponed the preliminary determination until February 3, 2025.[2]

For a complete description of events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are CORE from Canada. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigation into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.[6]

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found to be countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available, and, because it finds that certain companies that failed to timely respond to Commerce's quantity and value (Q&V) questionnaire did not act to the best of their abilities to respond to Commerce's requests for information, it drew an adverse inference in selecting from among the facts otherwise available.[8] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent LTFV of CORE from Canada, based on a request made by the petitioners.[9] Consequently, the final CVD determination will be issued on the same date as the final LTFV determination, which is currently scheduled to be issued no later than June 17, 2025, unless postponed.[10]

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated total net subsidy rates for ArcelorMittal Dofasco Inc. (AMD) and Stelco, Inc. (Stelco) that are not zero, *de minimis,* or based entirely on the facts otherwise available. Because Commerce calculated individual estimated countervailable subsidy rates for AMD and Stelco that are not zero, *de minimis,* or based entirely on the facts otherwise available, we have preliminarily calculated the all-others rate using a weighted-average of the individual estimated subsidy rates calculated for the examined respondents using each company's publicly-ranged sales values.[11]

Rate for Non-Responsive Company

One potential exporter and/or producer of CORE from Canada did not timely respond to Commerce's Q&V questionnaire.[12] We find that, by not timely responding to the Q&V questionnaire, this company withheld requested information and significantly impeded this proceeding. Thus, in reaching our preliminary determination, pursuant to sections 776(a)(2)(A) and (C) of the Act, we are basing the subsidy rate for the non-responsive company on facts otherwise available.

We further preliminarily determine that an adverse inference is warranted, pursuant to section 776(b) of the Act. By failing to submit responses to Commerce's Q&V questionnaire, the non-responsive company did not cooperate to the best of its abilities in this investigation. Accordingly, we preliminarily find that an adverse inference is warranted to ensure that the non-responsive company will not obtain

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[1] *See Certain Corrosion-Resistant Steel Products From Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 89 FR 80204 (October 2, 2024) (*Initiation Notice*).

[2] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 89 FR 89955 (November 14, 2024).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from Canada,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 89 FR at 80205.

[6] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* sections 776(a) and (b) of the Act.

[9] The petitioners are Nucor Corporation and Steel Dynamics, Inc. *See* Petitioners' Letter, ''Request to Align Countervailing Duty Investigation Final Determination with Antidumping Duty Investigation Final Determination,'' dated January 14, 2025.

[10] *See Certain Corrosion-Resistant Steel Products from Australia, Brazil, Canada, Mexico, the Netherlands, South Africa, Taiwan, the Republic of Türkiye, the United Arab Emirates, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 90 FR 8260 (January 28, 2025).

[11] *See* Memorandum, ''Calculation of Subsidy Rate for All Others,'' dated concurrently with this notice.

[12] This company is Nova Steel.

a more favorable result than had they fully complied with our request for information. For more information on the application of adverse facts available to the non-responsive company, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Determination Memorandum.

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
ArcelorMittal Dofasco Inc./ArcelorMittal Canada Holdings Inc./ArcelorMittal Canada Inc./ArcelorMittal Canada MP Inc./ ArcelorMittal Long Products Canada G.P./ArcelorMittal Mining Canada GP/ArcelorMittal Exploitation Miniere Canada s.e.n.c./ArcelorMittal Coteau-du-Lac Limited Partnership [13]	1.21
Stelco, Inc	1.40
Nova Steel	*41.40
All Others	1.22

* Rate based on facts available with adverse inferences.

Disclosure

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

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

In accordance with section 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD CORE investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments on non-scope issues may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[14] Interested parties who submit case briefs or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[15]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[16] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[17]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce via ACCESS within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, parties will be notified of the time and date for the hearing.[18] Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

[13] Commerce found ArcelorMittal Dofasco Inc., ArcelorMittal Canada Holdings Inc., ArcelorMittal Canada Inc., ArcelorMittal Canada MP Inc., ArcelorMittal Long Products Canada G.P., ArcelorMittal Mining Canada GP/ArcelorMittal Exploitation Miniere Canada s.e.n.c., and ArcelorMittal Coteau-du-Lac Limited Partnership to be cross-owned entities.

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

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

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

[17] *See APO and Service Final Rule,* 88 FR at 67069.

[18] *See* 19 CFR 351.310(d).

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether imports of CORE from Canada are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: February 3, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, etc.). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, etc.), the measurement at its greatest width or thickness applies.

Steel products included in the scope of these investigations are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight.

Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of the investigation unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this investigation:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate'') or both chromium and chromium oxides (''tin free steel''), whether or not painted, varnished or coated with plastics or other non-metallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio; and

Also excluded from the scope of the antidumping duty investigation on corrosion resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order,* 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty investigation on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty investigations on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to the investigation may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigation is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2025–02377 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–552–844]

Certain Corrosion-Resistant Steel Products From the Socialist Republic of Vietnam: Preliminary Affirmative Countervailing Duty Determination, and Alignment of Final Determination With Antidumping Duty Determination

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain corrosion-resistant steel products (CORE) from the Socialist Republic of Vietnam (Vietnam) during the period of investigation, January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Ted Pearson and Mary Kolberg, 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) 482–2631 and (202) 482–1785, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 703(b) of the Tariff Act of 1930, as amended (the Act). On October 2, 2024, Commerce published the notice of initiation of this countervailing duty (CVD) investigation.[1] On November 14, 2024, Commerce postponed the preliminary determination until February 3, 2025.[2]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[3] A list of topics discussed in the Preliminary Decision Memorandum is included as Appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The products covered by this investigation are CORE from Vietnam. For a complete description of the scope of this investigation, *see* Appendix I.

Scope Comments

In accordance with the *Preamble* to Commerce's regulations,[4] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[5] Certain interested parties commented on the scope of the investigation as it appeared in the *Initiation Notice.* Commerce intends to issue its preliminary decision regarding comments concerning the scope of the less-than-fair-value (LTFV) and CVD investigations in the preliminary determination of the companion LTFV investigations. We will incorporate the scope decisions from the LTFV investigations into the scope of the final CVD determination for this investigation after considering any relevant comments submitted in scope case and rebuttal briefs.[6]

Methodology

Commerce is conducting this investigation in accordance with section 701 of the Act. For each of the subsidy programs found countervailable, Commerce preliminarily determines that there is a subsidy, *i.e.,* a financial contribution by an ''authority'' that gives rise to a benefit to the recipient, and that the subsidy is specific.[7] For a full description of the methodology underlying our preliminary determination, *see* the Preliminary Decision Memorandum.

Commerce notes that, in making these findings, it relied, in part, on facts available, and, because it finds that certain respondents did not act to the best of their ability to respond to Commerce's requests for information, it drew an adverse inference where appropriate in selecting from among the facts otherwise available.[8] For further information, *see* the ''Use of Facts Otherwise Available and Adverse Inferences'' section in the Preliminary Decision Memorandum.

Alignment

In accordance with section 705(a)(1) of the Act and 19 CFR 351.210(b)(4), Commerce is aligning the final CVD determination in this investigation with the final determination in the concurrent LTFV investigation of CORE from Vietnam, based on a request made by the petitioners.[9] Consequently, this final CVD determination will be issued on the same date as the final determination for the LTFV investigation, which is currently scheduled to be issued no later than June 17, 2025, unless postponed.

Rate for Non-Responsive Companies

Six potential exporters and/or producers of CORE from Vietnam did not respond to Commerce's Q&V questionnaire (*i.e.,* the non-responsive companies).[10] We find that, by not responding to the Q&V questionnaire, these companies withheld requested information and significantly impeded this proceeding. Thus, in reaching our preliminary determination, pursuant to sections 776(a)(2)(A) and (C) of the Act, we are basing the CVD subsidy rate for the non-responsive companies on facts otherwise available.

We further preliminarily determine that an adverse inference is warranted, pursuant to section 776(b) of the Act. By failing to submit responses to Commerce's Q&V questionnaire, the non-responsive companies did not cooperate to the best of their ability in this investigation. Accordingly, we preliminarily find that an adverse inference is warranted to ensure that the non-responsive companies will not obtain a more favorable result than had they fully complied with our request for information. For more information on the application of adverse facts available

[1] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Initiation of Countervailing Duty Investigations,* 89 FR 80204 (October 2, 2024) (*Initiation Notice*).

[2] *See Certain Corrosion-Resistant Steel Products from Brazil, Canada, Mexico, and the Socialist Republic of Vietnam: Postponement of Preliminary Determinations in the Countervailing Duty Investigations,* 89 FR 89955 (November 14, 2024).

[3] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination of the Countervailing Duty Investigation of Certain Corrosion-Resistant Steel Products from the Socialist Republic of Vietnam,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[4] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997) (*Preamble*).

[5] *See Initiation Notice,* 89 FR at 80205.

[6] The deadline for interested parties to submit scope case and rebuttal briefs will be established in the preliminary scope decision memorandum.

[7] *See* sections 771(5)(B) and (D) of the Act regarding financial contribution; section 771(5)(E) of the Act regarding benefit; and section 771(5A) of the Act regarding specificity.

[8] *See* sections 776(a) and (b) of the Act.

[9] *See* Petitioners' Letter, ''Request to Align the Final Determination,'' dated January 6, 2025.

[10] The companies that failed to respond to Commerce's Q&V questionnaire are: (1) 190 Steel Pipe Co Ltd; (2) Vietnam Germany Steel JSC; (3) Vietnam Steel Pipe Co., Ltd.; (4) Vina One Steel Manufacturing Corporation; (5) VNSTEEL—Thang Long Coated Sheets Joint Stock Company; and (6) VNSTEEL—Vietnam Steel Corp.

to the non-responsive companies, *see* ''Use of Facts Otherwise Available and Adverse Inferences'' in the Preliminary Decision Memorandum.

All-Others Rate

Sections 703(d) and 705(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for companies not individually examined. This rate shall be an amount equal to the weighted average of the estimated subsidy rates established for those companies individually examined, excluding any rates that are zero, *de minimis,* or based entirely under section 776 of the Act. If the rates established for all exporters and producers individually investigated are zero, *de minimis,* or determined entirely under facts available, Commerce may use any reasonable method to establish an all-others rate.[11] For this preliminary determination, Commerce calculated *de minimis* and zero rates for Hoa Sen Group and Ton Dong A Corporation, respectively. Further, as described above, we are applying a rate based entirely under section 776 of the Act for the non-responsive companies. Therefore, in accordance with section 705(c)(5)(A)(ii) of the Act, we are preliminarily applying a simple average of the subsidy rates calculated for Hoa Sen Group, Ton Dong A Corporation, and the non-responsive companies as the all-others rate.[12]

Preliminary Determination

Commerce preliminarily determines that the following estimated countervailable subsidy rates exist:

Company	Subsidy rate (percent *ad valorem*)
Hoa Sen Group[13]	0.13 (*de minimis*).
Ton Dong A Corporation	0.00.
190 Steel Pipe Co Ltd	140.05.*
Vietnam Germany Steel JSC	140.05.*
Vietnam Steel Pipe Co., Ltd	140.05.*
Vina One Steel Manufacturing Corporation	140.05.*
VNSTEEL—Thang Long Coated Sheets Joint Stock Company	140.05.*
VNSTEEL—Vietnam Steel Corp	140.05.*
All Others	46.73.

* Rate based on facts available with adverse inferences.

Disclosure

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

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Suspension of Liquidation

In accordance with sections 703(d)(1)(B) and (d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise as described in the scope of the investigation entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the rates indicated above. Because the subsidy rates for Ton Dong A Corporation and Hoa Sen Group are zero and *de minimis,* respectively, Commerce is directing CBP not to suspend liquidation of entries of the merchandise from these companies.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

All interested parties will have the opportunity to submit scope case and rebuttal briefs on the preliminary decision regarding the scope of the LTFV and CVD investigations. The deadlines to submit scope case and rebuttal briefs will be provided in the preliminary scope decision memorandum. For all scope case and rebuttal briefs, parties must file identical documents simultaneously on the records of the ongoing LTFV and CVD CORE investigations. No new factual information or business proprietary information may be included in either scope case or rebuttal briefs.

Case briefs or other written comments, excluding scope comments, may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[14] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[15]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public,

[11] *See* sections 705(c)(5)(A)(i) and (ii) of the Act.

[12] *See Aluminum Extrusions from Taiwan: Final Affirmative Determination of Sales at Less Than Fair Value,* 89 FR 80477 (October 3, 2024), and accompanying Issues and Decision Memorandum at Comment 3.

[13] We preliminarily find Hoa Sen Group to be cross-owned with the following companies: Hoa Sen Nghe An One Member Limited Liabilities Company, Hoa Sen Phu Nhon Hoi-Binh Dinh One Member Limited Liability Company, Hoa Sen Phu My One Member Limited Liabilities Company, Hoa Sen Steel One Member Company Limited.

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

[15] *See* 19 CFR 351.309(c)(2) and (d)(2).

executive summary for each issue raised in their briefs.[16] Further, we request that interested parties limit their public executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[17]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. Oral presentations at the hearing will be limited to issues raised in the briefs. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

U.S. International Trade Commission (ITC) Notification

In accordance with section 703(f) of the Act, Commerce will notify the ITC of its determination. If the final determination is affirmative, the ITC will determine, before the later of 120 days after the date of this preliminary determination or 45 days after the final determination, whether imports of CORE from Vietnam are materially injuring the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 703(f) and 777(i) of the Act, and 19 CFR 351.205(c).

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

[17] *See APO and Service Final Rule.*

Dated: February 3, 2025.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix I

Scope of the Investigation

The products covered by this investigation are certain flat-rolled steel products, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished, laminated, or coated with plastics or other non-metallic substances in addition to the metallic coating. The products covered include coils that have a width of 12.7 mm or greater, regardless of form of coil (*e.g.,* in successively superimposed layers, spirally oscillating, *etc.*). The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness less than 4.75 mm and a width that is 12.7 mm or greater and that measures at least 10 times the thickness. The products covered also include products not in coils (*e.g.,* in straight lengths) of a thickness of 4.75 mm or more and a width exceeding 150 mm and measuring at least twice the thickness. The products described above may be rectangular, square, circular, or other shape and include products of either rectangular or non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process, *i.e.,* products which have been ''worked after rolling'' (*e.g.,* products which have been beveled or rounded at the edges).

For purposes of the width and thickness requirements referenced above:

(1) Where the nominal and actual measurements vary, a product is within the scope if application of either the nominal or actual measurement would place it within the scope based on the definitions set forth above, and

(2) where the width and thickness vary for a specific product (*e.g.,* the thickness of certain products with non-rectangular cross-section, the width of certain products with non-rectangular shape, *etc.*), the measurement at its greatest width or thickness applies.

Steel products included in the scope of this investigation are products in which: (1) iron predominates, by weight, over each of the other contained elements; and (2) the carbon content is 2 percent or less, by weight. Subject merchandise also includes corrosion-resistant steel that has been further processed in a third country, including but not limited to annealing, tempering, painting, varnishing, trimming, cutting, punching and/or slitting or any other processing that would not otherwise remove the merchandise from the scope of the investigations if performed in the country of manufacture of the in-scope corrosion resistant steel.

All products that meet the written physical description are within the scope of this investigation unless specifically excluded. The following products are outside of and/or specifically excluded from the scope of this investigation:

- Flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides (''tin free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating;
- Clad products in straight lengths of 4.7625 mm or more in composite thickness and of a width which exceeds 150 mm and measures at least twice the thickness;
- Certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 mm in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio; and

Also excluded from the scope of the antidumping duty investigation on corrosion resistant steel from Taiwan are any products covered by the existing antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *Corrosion-Resistant Steel Products from Taiwan: Notice of Third Amended Final Determination of Sales at Less Than Fair Value Pursuant to Court Decision and Partial Exclusion from Antidumping Duty Order,* 88 FR 58245 (August 25, 2023).

Also excluded from the scope of the antidumping duty investigation on corrosion-resistant steel from the United Arab Emirates and the antidumping duty and countervailing duty investigations on corrosion-resistant steel from the Socialist Republic of Vietnam are any products covered by the existing antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China and the Republic of Korea and the antidumping duty order on corrosion-resistant steel from Taiwan. *See Certain Corrosion-Resistant Steel Products from India, Italy, the People's Republic of China, the Republic of Korea and Taiwan: Amended Final Affirmative Antidumping Determination for India and Taiwan, and Antidumping Duty Orders,* 81 FR 48390 (July 25, 2016); *see also Certain Corrosion-Resistant Steel Products from India, Italy, Republic of Korea and the People's Republic of China: Countervailing Duty Order,* 81 FR 48387 (July 25, 2016). This exclusion does not apply to imports of corrosion-resistant steel that are entered, or withdrawn from warehouse, for consumption in the United States for which the relevant importer and exporter certifications have been completed and maintained and all other applicable certification requirements have been met such that the entry is entered into the United States as not subject to the antidumping and countervailing duty orders on corrosion-resistant steel from the People's Republic of China, the antidumping and countervailing duty orders on corrosion-resistant steel from the Republic of Korea, or the antidumping duty order on corrosion-resistant steel from Taiwan.

The products subject to the investigation are currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under item numbers: 7210.30.0030,

7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0040, 7210.49.0045, 7210.49.0091, 7210.49.0095, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7225.91.0000, 7225.92.0000, 7226.99.0110, and 7226.99.0130.

The products subject to the investigations may also enter under the following HTSUS item numbers: 7210.90.1000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090, 7225.99.0090, 7226.99.0180, 7228.60.6000, 7228.60.8000, and 7229.90.1000.

The HTSUS subheadings above are provided for convenience and customs purposes only. The written description of the scope of the investigations is dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

[FR Doc. 2025–02380 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–870]

Certain New Pneumatic Off-the-Road Tires From India: Amended Final Results of Countervailing Duty Administrative Review; 2022

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

SUMMARY: The U.S. Department of Commerce (Commerce) is amending the final results of the administrative review of the countervailing duty (CVD) order on certain new pneumatic off-the-road tires (OTR tires) from India to correct ministerial errors. Based on the amended final results, we find that ATC Tires Private Limited (ATC) sold OTR tires in the United States at less than normal value during the period of review (POR), January 1, 2022, through December 31, 2022.

DATES: Applicable February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Mark Hoadley, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3148.

SUPPLEMENTARY INFORMATION:

Background

On October 22, 2024, Commerce published in the **Federal Register** the final results of the 2022 administrative review of the AD order on OTR tires from India.[1] On November 7, 2024, Commerce received allegations of ministerial errors from Titan Tire Corporation (Titan).[2] We received no rebuttal comments. Commerce is amending the *Final Results* to correct the ministerial errors.

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines a ''ministerial error'' as including ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.'' [3] With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any . . . ministerial error by amending the final results of review . . .''

Ministerial Error

Commerce reviewed the record, and we agree that the errors alleged by Titan constitute ministerial errors within the meaning of section 751(h) of the Act and 19 CFR 351.224(f).[4] Specifically, we find that we made inadvertent errors in the calculation of total benefits received by ATC from Special Economic Zone programs and in the calculation of total benefits received by Balkrishna Industries Ltd. (BKT) from the Export Promotion Capital Goods Scheme. Pursuant to 19 CFR 351.224(e), Commerce is amending the *Final Results* to reflect the correction of the ministerial errors, as described in the Ministerial Error Memorandum. Based on the corrections, ATC's final dumping margin remains 1.70 percent, and BKT's final dumping margin changed from 0.34 percent to 0.39 percent. The amended estimated weighted-average dumping margins are listed in the ''Amended Final Results of Review,'' section below.

For a complete discussion of the ministerial error allegation, as well as Commerce's analysis, *see* the Ministerial Error Memorandum. The Ministerial Error Memorandum is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.*

Amended Final Results of Review

As a result of correcting the ministerial errors described above, Commerce determines that the following estimated weighted-average dumping margins exist for the period January 1, 2022, through December 31, 2022:

Exporter	Weighted-average dumping margin (percent)
ATC Tires Private Limited	1.70
Balkrishna Industries Ltd	*0.39
Non-Selected Companies Under Review [5]	1.70

De minimis.

Disclosure

Commerce intends to disclose the calculations performed in connection with these amended final results of review to interested parties within five days after public announcement of the amended final results or, if there is no public announcement, within five days of the date of publication of the notice of amended final results in the **Federal Register**, in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to sections 751(a)(1) and (a)(2)(C) of the Act and 19 CFR 351.212(b), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, countervailing duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

On January 16, 2025, the U.S. Court of International Trade issued a statutory injunction (SI) enjoining liquidation of entries subject to this review. This SI was issued in connection with *Titan Tire Corporation* vs. *United States,* Court No. 24–00207–MAB. Commerce will not issue assessment instructions until a final resolution of the litigation and the dissolution of the SI.

[1] *See Certain New Pneumatic Off-the-Road Tires from India: Final Results of Countervailing Duty Administrative Review; 2022,* 89 FR 84331 (October 22, 2024) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

[2] *See* Titan's Letter, ''Ministerial Error Comments,'' dated November 7, 2024 (Titan's Comments).

[3] *See* 19 CFR 351.224(f).

[4] *See* Memorandum, ''Analysis of Ministerial Error Allegation,'' dated concurrently with this notice (Ministerial Error Memorandum).

[5] *See* Appendix.

Cash Deposit Requirements

In accordance with section 751(a)(1) and (a)(2)(C) of the Act, Commerce also intends to instruct CBP to collect cash deposits of estimated countervailing duties in the amounts shown for the companies listed above on shipments of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review. Because the rate calculated for BKT is *de minimis,* no cash deposit will be required on shipments of the subject merchandise entered or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this review. For all non-reviewed firms, we will instruct CBP to continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These cash deposit requirements, effective upon publication of these final results, shall remain in effect until further notice.

Administrative Protective Order (APO)

This notice serves as the final 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), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

Notification to Interested Parties

We are issuing and publishing these amended final results of review in accordance with sections 751(h) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: February 5, 2025.

Christopher Abbott,

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

Appendix—Non-Examined Companies Under Review

1. Aakriti Manufacturing Pvt. Ltd.
2. Apollo Tyres Ltd.
3. Asian Tire Factory Limited.
4. Asiatic Tradelinks Private Limited.
5. Cavendish Industries Ltd.
6. Ceat Ltd.
7. Celite Tyre Corporation.
8. Emerald Resilient Tyre Manufacturer.
9. Forech India Private Limited.
10. HRI Tires India.
11. Innovative Tyres & Tubes Limited.
12. JK Tyre & Industries Ltd.
13. John Deere India Pvt. Ltd.
14. K.R.M. Tyres.
15. Mahansaria Tyres Private Limited.
16. MRF Limited.
17. MRL Tyres Limited (Malhotra Rubbers Ltd.).
18. Neosym Industry Limited.
19. OTR Laminated Tyres (I) Pvt. Ltd.
20. Royal Tyres Private Limited.
21. Rubberman Enterprises Pvt. Ltd.
22. Speedways Rubber Company.
23. Sun Tyre And Wheel Systems.
24. Sundaram Industries Private Limited.
25. Superking Manufacturers (Tyre) Pvt., Ltd.
26. TVS Srichakra Limited.
27. Ultra Mile.

[FR Doc. 2025–02449 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE649]

Mid-Atlantic Fishery Management Council (MAFMC) Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Ecosystem and Ocean Planning Committee and Advisory Panel will hold a joint public meeting.

DATES: The meeting will be held on Tuesday, March 4, 2025, from 8:30 a.m. to 4:30 p.m. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This meeting will be an in-person meeting with a virtual option. Committee and Advisory Panel members, other meeting participants, and members of the public will have the option to participate in person at the Hilton BWI Airport, 1739 W Nursery Road, Linthicum Heights, MD 21092, or virtually via webinar. Webinar connection details and additional information will be available at *www.mafmc.org/council-events.*

Council addresses: Mid-Atlantic Fishery Management Council, 800 N State Street, Suite 201, Dover, DE 19901; telephone: (302) 674–2331 or on their website at *www.mafmc.org.*

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D., Executive Director, Mid-Atlantic Fishery Management Council, telephone: (302) 526–5255.

SUPPLEMENTARY INFORMATION: The purpose of this joint meeting is for the Ecosystem and Ocean Planning Committee and Advisory Panel to provide recommendations regarding the Council's Essential Fish Habitat (EFH) Review and the draft EFH Review Reports that have been prepared. The Committee and Advisory Panel will receive an overview of the NMFS EFH Review requirements (*i.e.,* 9 components of an EFH Review) and how those have been addressed in a draft EFH Review Summary Report.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Shelley Spedden at the Council Office, (302) 526–5251, at least 5 days prior to the meeting date.

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

Dated: February 5, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–02414 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE660]

North Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of web conference.

SUMMARY: The North Pacific Fishery Management Council (Council) Pacific Northwest Crab Industry Advisory Committee (PNCIAC) will meet on February 24, 2025.

DATES: The meeting will be held on Monday, February 24, 2025, from 9 a.m. to 11 a.m., Alaska time.

ADDRESSES: The meeting will be a web conference. Join online through the link at *https://meetings.npfmc.org/Meeting/Details/3078.*

Council address: North Pacific Fishery Management Council, 1007 W 3rd Ave., Suite 400, Anchorage, AK 99501–2252; telephone: (907) 271–2809. Instructions for attending the meeting via video conference are given under **SUPPLEMENTARY INFORMATION**, below.

FOR FURTHER INFORMATION CONTACT: Sarah Marrinan, Council staff; phone; (907) 271–2809; email: *sarah.marrinan@noaa.gov.* For technical support, please

contact our Admin Council staff, email: *npfmc.admin@noaa.gov.*

SUPPLEMENTARY INFORMATION:

Agenda

Monday, February 24, 2025

The Committee will discuss: (a) potential comments to the State of Alaska Board of Fish on statewide shellfish issues; and (b) other business. The agenda is subject to change, and the latest version will be posted *https://meetings.npfmc.org/Meeting/Details/3078* prior to the meeting, along with meeting materials.

Connection Information

You can attend the meeting online using a computer, tablet, or smart phone, or by phone only. Connection information will be posted online at: *https://meetings.npfmc.org/Meeting/Details/3078.*

Public Comment

Public comment letters will be accepted and should be submitted electronically to *https://meetings.npfmc.org/Meeting/Details/3078.*

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

Dated: February 5, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–02415 Filed 2–7–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF DEFENSE

Department of the Army

U.S. Army Corps of Engineers

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Scoping Period Extension for the Notice of Intent To Prepare a Supplemental Environmental Impact Statement (SEIS) for the Columbia River System Operations

AGENCY: Department of the Army, U.S. Army Corps of Engineers, DoD; Bureau of Reclamation, U.S. Department of the Interior.

ACTION: Notice of intent; extension of comment period.

SUMMARY: The U.S. Army Corps of Engineers and Bureau of Reclamation (Co-Lead Agencies) are extending the scoping period and re-scheduling public meetings for the notice of intent entitled ''Notice of Intent to Prepare a Supplemental Environmental Impact Statement (SEIS) for the Columbia River System Operations,'' published in the **Federal Register** on December 18, 2024. The scoping period is now scheduled to end May 9, 2025 and public meetings will now be held the week of April 7, 2025.

DATES: The Co-Lead Agencies invite federal and state agencies, Native American Tribes, local governments, and the public to submit scoping comments relevant to the supplemental National Environmental Policy Act (NEPA) process no later than May 9, 2025. Information will also be provided at public meetings. Information on the public meetings is provided under the **SUPPLEMENTARY INFORMATION** section of this Notice.

ADDRESSES: Written comments, requests to be placed on the project mailing list, and requests for information may be mailed by letter to U.S. Army Corps of Engineers Northwestern Division Attn: CRSO SEIS, P.O. Box 2870, Portland, OR 97208–2870; or by email to *columbiariver@usace.army.mil.* All comment letters will be available via the project website at *https://www.nwd.usace.army.mil/columbiariver/.* All comments and materials received, including names and addresses, will become part of the administrative record, and may be released to the public. Interested parties should not submit confidential business or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Tim Fleeger, Columbia River Basin Policy and Environmental Coordinator, Northwestern Division, U.S. Army Corps of Engineers 1 (800) 290–5033 or email *columbiariver@usace.army.mil.* Additional information can be found at the project website: *https://www.nwd.usace.army.mil/columbiariver/.*

SUPPLEMENTARY INFORMATION: The scoping period for the notice of intent published in the **Federal Register** on December 18, 2024 (89 FR 102869) was originally scheduled to end on March 20, 2025 but is now being extended to May 9, 2025. The Co-Lead Agencies invite all affected Federal, State, and local agencies, affected Tribes, other interested parties, and the general public to participate in the NEPA process during development of the SEIS. Three (3) virtual public scoping meetings will be held the week of April 7, 2025. The specific dates, times, and meeting information will be published on the project website: *https://www.nwd.usace.army.mil/columbiariver/.* Additional public meetings will be scheduled after release of the draft SEIS.

William C Hannan,

Brigadier General, U.S. Army, Division Commander,

Jennifer Carrington,

Regional Director, Columbia-Pacific Northwest Region, Bureau of Reclamation.

[FR Doc. 2025–02419 Filed 2–7–25; 8:45 am]

BILLING CODE 3720–58–P

DEPARTMENT OF EDUCATION

Retroactive Application of the Revised Version of the Guidance for Federal Financial Assistance

AGENCY: Office of Planning, Evaluation and Policy Development, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces updates to awardees' Grant Award Notices (GANs) to conform the retroactive application of the 2024 revision of the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (the Uniform Guidance) to cross-agency understandings and established interpretive principles. This update applies to all Department grants that are subject to the Uniform Guidance and withdraws and supersedes prior Department policies and actions, including the notice titled Application of the Revised Version of the Uniform Guidance to Department Grants published on Jan. 16, 2025.

DATES: This change is effective February 10, 2025.

SUPPLEMENTARY INFORMATION: On April 22, 2024, the Office of Management and Budget (OMB) published a final rule in the **Federal Register**, ''Guidance for Federal Financial Assistance'' that revised the Uniform Guidance. *See* 89 FR 30046 (the April 22 revised Guidance). This final rule, effective as of October 1, 2024, made certain revisions to the process and requirements for grant administration.

On January 16, 2025, the Department of Education issued a notice updating the terms and conditions of Department grants to incorporate certain parts of the revised Uniform Guidance. *See* 90 FR 4727 (the Jan. 16 Notice). In particular, the Department added the following condition to Box 10 of its GANs:

By the drawdown of funds under this GAN, the grantee accepts that this award is subject to the requirements of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Title 2 CFR part 200 as

revised at 89 FR 30136–30208 (April 22, 2024).

The Department is now withdrawing this notice of January 16, 2025, and the condition it sets forth in Box 10 of the Department's GANs. The revised Box 10 is below.

OMB set the effective date for the April 22 revised Guidance as October 1, 2024. *See* 89 FR 30208. Agencies had the option to ''elect to apply the financial guidance to Federal awards issued prior to October 1, 2024,'' but no ''earlier than June 21, 2024.'' *Id.* The Department's Jan. 16 Notice purported to retroactively apply the revised Uniform Guidance to grants issued before June 21, 2024, creating uncertainty among grant recipients and generating non-conformity with the policies and interpretive understandings of other federal agencies which follow the Uniform Guidance.

For federal grant programs, courts consistently apply the legal requirements that were in effect at the time the grants were made. *Bennett* v. *New Jersey,* 470 U.S. 632, 638 (1984). The Supreme Court has held that ''changes in substantive requirements for federal grants should not be presumed to operate retroactively.'' *Id.* General background principles and ''practical considerations related to the administration of federal grant programs'' support the principle ''that obligations generally should be determined by reference to the law in effect when the grants were made.'' *Id.*

After consulting with OMB, the Department understands that nothing in the April 22 revised Guidance departed from this basic interpretive principle. While OMB provided agencies with some discretion to specify an application date prior to the rule's effective date of October 1, 2024, the earliest date OMB's revisions permitted an agency to elect for the guidance to apply was June 21, 2024, two months after the final rule was issued. This period offered agencies and grantees sufficient time to adjust and ensured that federal grants would not be retroactively changed. As noted, federal grants sound in contract, and retroactive changes to the terms are unfair to the granting agency and the grantee. *See Bennett,* 470 U.S. at 638.

To remove any uncertainty or ambiguity, the Department now makes clear that the April 22 revised Guidance for Federal Financial Assistance only applies to grants awarded after the OMB effective date of October 1, 2024. The Department is withdrawing its Jan. 16 Notice, removing its language from Box 10, and instead adding the following new language to Box 10:

By the drawdown of funds under this GAN, the grantee accepts Department regulations that this award is subject to the requirements of the Uniform Administrative Requirements, Cost Principles and Audit Requirements for Federal Awards; Title 2 CFR part 200. The specific version applicable depends on the date of the award: (i) grants issued on or after October 1, 2024, are subject to Title 2 CFR part 200 as revised at 89 FR 30136–30208 (April 22, 2024), while (ii) grants issued prior to the October 1, 2024 effective date of those revisions, 89 FR 30046–30208, are governed by the version of the Uniform Guidance applicable at the time of the Federal award, *provided that* for grants issued on or after June 21, 2024, where grantees drew down funds under the previous version of Box 10, those grants are subject to Title 2 CFR part 200 as revised at 89 FR 30136–30208 (April 22, 2024).

While grantees may not automatically receive a new printed GAN, the revised Box 10 and this notice supersede any previous GAN or Notice. Grantees are not required to take any action but are encouraged to maintain a copy of this notice within their grant files as documentation for grant management and auditing purposes.

Program Authority: 2 CFR part 200 as adopted at 89 FR 30046 (April 22, 2024); 2 CFR 3474.

Thomas Wheeler,

Acting General Counsel.

[FR Doc. 2025–02396 Filed 2–7–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Applications for New Awards; Independent Living Services for Older Individuals Who Are Blind Program—Independent Living Services for Older Individuals Who Are Blind Training and Technical Assistance; Corrections

AGENCY: Office of Special Education and Rehabilitation Services, Department of Education.

ACTION: Notice; corrections.

SUMMARY: On January 14, 2025, the Department of Education (Department) published in the **Federal Register** a notice inviting applications (NIA) for fiscal year (FY) 2025 for the Independent Living Services for Older Individuals Who Are Blind Program—Independent Living Services for Older Individuals Who Are Blind Training and Technical Assistance. We are correcting the date that applications will be available, adding the deadline date for the transmittal of applications, and correcting the deadline for intergovernmental review. All other information in the NIA remains the same.

DATES: These corrections are applicable on February 10, 2025.

FOR FURTHER INFORMATION CONTACT: Mary Williams, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A220, Washington, DC 20202–2600. Telephone: (202) 245–6263. Email: *mary.williams@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On January 14, 2025, we published in the **Federal Register** (90 FR 3188) the NIA for the FY 2025 Independent Living Services for Older Individuals Who Are Blind Program—Independent Living Services for Older Individuals Who Are Blind Training and Technical Assistance competition, Assistance Listing Number 84.177Z. We are correcting the date that applications will be available and the intergovernmental review deadline and adding the deadline for the transmittal of applications. All other information in the NIA remains the same.

Corrections

In FR Doc. 2025–00533 appearing on pages 3188–3194 of the **Federal Register** of January 14, 2025, we revise the text under **DATES** in the right column, to read as follows:

Applications Available: January 15, 2025.

Deadline for Transmittal of Applications: March 17, 2025.

Deadline for Intergovernmental Review: May 16, 2025.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal**

Register by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Erin McHugh,

Deputy Assistant Secretary for Management and Planning and Acting Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2025–02394 Filed 2–7–25; 8:45 am]

BILLING CODE 4000–01–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2024–0634; FRL–12546–01–OCSPP]

Potassium Chloride (KCl); Receipt of Application for Emergency Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA is announcing a quarantine exemption request from the Idaho State Department of Agriculture (ISDA) to use the pesticide potassium chloride (CAS No. 7440–09–7) to treat up to 1.26 acres to control Quagga mussels. The applicant proposes the use of a new chemical which has not been registered by EPA. Due to the urgent nature of the emergency and the very narrow and limited use being requested EPA has eliminated the public comment period. Nonetheless, interested parties may still contact the Agency with information about this notice and treatment program.

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA–HQ–OPP–2024–0634, is available online at *https://www.regulations.gov.* Additional information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; main telephone number: (202) 566–2875; email address: *RDFRNotices@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

If you have any questions regarding the applicability of this proposed action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is EPA's authority for taking this action?

Under section 18 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) (7 U.S.C. 136p), at the discretion of the EPA Administrator, a Federal or State agency may be exempted from any provision of FIFRA if the EPA Administrator determines that emergency conditions exist which require the exemption. EPA implementing regulations are set forth in 40 CFR part 166.

C. What action is the Agency taking?

EPA is announcing receipt of a request submitted to EPA under FIFRA section 18. This notice does not constitute a decision by EPA on the application itself. The regulations governing FIFRA section 18 require publication of a notice of receipt of an application for a quarantine exemption proposing use of a new chemical (*i.e.,* an active ingredient) which has not been registered by EPA.

II. Summary of the Request Received

The ISDA has requested that EPA issue a quarantine exemption for the use of potassium chloride in ponds and pools to control Quagga mussels. Information in accordance with 40 CFR part 166 was submitted as part of this request.

As part of this request, the applicant asserts that the current alternatives are considered to be less desirable because of environmental concerns, technical infeasibility, logistics, and expense. Quagga mussels are a non-native, invasive species found in sections of the Middle Snake River that can bioaccumulate pollutants and toxins 300,000 times greater than concentrations in the environment. These pollutants are found in their pseudofeces, which can be passed up the food chain, therefore increasing wildlife exposure to organic pollutants. Even though quaggas are prodigious water filterers, they remove substantial amounts of phytoplankton and suspended particulate from the water. By removing the phytoplankton, quaggas in turn decrease the food source for zooplankton, therefore altering the food web. Quaggas can also clog water intake structures, such as pipes and screens, therefore reducing pumping capabilities for power and water treatment plants, costing industries, companies, and communities.

The Applicant proposes to use no more than 18,590 lbs. of the unregistered product, MOP, potassium chloride, the soluble muriated KCl mixture formula, on 1.26 acres of ponds, pools and potholes distributed between 51 different ephemeral ponds, pools and potholes within the Middle Snake River and adjoining areas in Twin Falls, Jerome and surrounding counties in Idaho where it is to be used.

As noted above, the Agency is eliminating the comment period due to the urgent nature of the emergency situation and the very narrow and limited use being requested. Nonetheless, interested parties may still contact the Agency with information about this notice and treatment program through the email address under **FOR FURTHER INFORMATION CONTACT**.

Authority: 7 U.S.C. 136 *et seq.*

Dated: February 5, 2025.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2025–02422 Filed 2–7–25; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL ELECTION COMMISSION

Sunshine Act Meetings

TIME AND DATE: Thursday, February 13, 2025, 10:00 a.m.

PLACE: HYBRID MEETING: 1050 First Street NE, Washington, DC (12th floor) and virtual.

STATUS: The February 13, 2025 Open Meeting has been canceled.

CONTACT PERSON FOR MORE INFORMATION: Myles Martin, Deputy Press Officer, Telephone: (202) 694–1221.

Individuals who plan to attend in person and who require special assistance, such as sign language interpretation or other reasonable accommodations, should contact Laura E. Sinram, Secretary and Clerk, at (202) 694–1040 or *secretary@fec.gov,* at least 72 hours prior to the meeting date.

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

Vicktoria J. Allen,

Deputy Secretary of the Commission.

[FR Doc. 2025–02480 Filed 2–6–25; 4:15 pm]

BILLING CODE 6715–01–P

FEDERAL RESERVE SYSTEM

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

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than March 12, 2025.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Bosshard Financial Group, Inc., La Crosse, Wisconsin;* to merge with Bosshard Banco, Ltd., La Crosse, Wisconsin, and thereby indirectly acquire Intercity State Bank, Schofield, Wisconsin, and The First National Bank of Bangor, Bangor, Wisconsin.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–02420 Filed 2–7–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 23–5]

David Bockoff, M.D.; Decision and Order

I. Introduction

On October 25, 2022, the United States Department of Justice (Agency) issued an Order to Show Cause and Immediate Suspension of Registration (collectively, OSC) to David Bockoff, M.D., (Respondent) of Beverly Hills, California. OSC, at 1, 8. The OSC immediately suspended, and proposes the revocation of, Respondent's Drug Enforcement Administration (DEA) registration, No. BB4591839, ''because . . . [Respondent's] continued registration constitutes 'an imminent danger to the public health or safety,' '' and ''because . . . [Respondent's] continued registration is inconsistent with the public interest, as that term is defined in 21 U.S.C. 823[(g)(1)].'' [1] *Id.* at 1 (citing 21 U.S.C. 824(d) and (a)(4)).

Respondent timely requested a hearing. Request for Hearing (November 4, 2022), at 1; Prehearing Ruling (November 30, 2022), at 1. DEA Administrative Law Judge (ALJ) Teresa A. Wallbaum conducted a four-day hearing at the DEA Hearing Facility, attended by Respondent and his Counsel by video teleconference, on January 19, 20, 23, and 24, 2023. Recommended Rulings, Findings of Fact, Conclusions of Law, and Decision of the Administrative Law Judge (RD), at 2. On May 2, 2023, the ALJ issued her RD recommending revocation of Respondent's registration.[2] *Id.* at 43.

Having thoroughly analyzed the record and applicable law, the Agency summarizes its findings and conclusions: (1) DEA (the Government) presented a *prima facie* case, (2) Respondent attempted, but failed, to rebut the Government's *prima facie* case, and (3) substantial and uncontroverted record evidence, including the testimony of the Government's expert witness, shows Respondent's violations of applicable law go to the core of the Controlled Substances Act (CSA). Accordingly, the Agency will revoke Respondent's registration. *Infra* Order.

II. California Physicians' and Surgeons' Standard of Care

According to the CSA, ''[e]xcept as authorized by this subchapter, it shall be unlawful for any person knowingly or intentionally . . . to . . . distribute, . . . dispense, or possess with intent to . . . distribute[ ] or dispense, a controlled substance.'' 21 U.S.C. 841(a)(1). The CSA's implementing regulations state that a lawful controlled substance order or prescription 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).

The OSC is addressed to Respondent at his registered address in California. Therefore, the Agency also evaluates Respondent's actions according to California law, including the applicable California standard of care.[3] Authorities in the ''Legal Requirements'' and ''Standard of Care'' sections of the OSC give Respondent notice of the bases for the OSC's allegations and, accordingly, are the authorities that the Agency is using to adjudicate those allegations. OSC, at 2–3; *infra.*

The first California authority listed in the OSC's ''Legal Requirements'' section is California Health and Safety Code § 11153(a). During the time period alleged in the OSC, that California provision, similar to the CSA, required that a ''prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice.'' Cal. Health & Safety Code § 11153(a) (West 2023–24); OSC, at 2.

[1] Effective December 2, 2022, the Medical Marijuana and Cannabidiol Research Expansion Act, Public Law 117–215, 136 Stat. 2257 (2022) (Marijuana Research Amendments or MRA), amended the Controlled Substances Act (CSA) and other statutes. Relevant to this matter, the MRA redesignated 21 U.S.C. 823(f), cited in the OSC, as 21 U.S.C. 823(g)(1). Accordingly, this Decision cites to the current designation, 21 U.S.C. 823(g)(1), and to the MRA-amended CSA throughout.

[2] Neither party filed exceptions to the RD.

[3] *See Gonzales* v. *Oregon,* 546 U.S. 243, 269–71 (2006); *see also* OSC, at 2–3. The versions of the California authorities cited in this Decision/Order were in effect from at least January 2020 through June 2022, the time period alleged in the OSC. OSC, at 3–8.

The provision explicitly includes two examples of prescriptions that are not legal. First, in salient part, ''an order purporting to be a prescription which is issued not in the usual course of professional treatment'' and, second, ''an order for an addict or habitual user of controlled substances, which is issued not in the course of professional treatment or as part of an authorized narcotic treatment program, for the purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.'' Cal. Health & Safety Code § 11153(a). A violation of this provision is punishable by imprisonment, fine, or both. *Id.* § 11153(b).

Further, California authorities cited in the OSC define unprofessional conduct relevant to the OSC's allegations. OSC, at 2. According to the California Business and Professions Code, it is unprofessional conduct to prescribe a dangerous drug ''without an appropriate prior examination and a medical indication.'' [4] Cal. Bus. & Prof. Code § 2242(a) (West 2023–24); OSC, at 2; Tr. 261–63 (Government's expert witness, Dr. Munzing, testifying). The California Business and Professions Code also states that ''[r]epeated acts of clearly excessive prescribing . . . of drugs or treatment . . . is unprofessional conduct for a physician.'' [5] Cal. Bus. & Prof. Code § 725(a) (West 2023–24); OSC, at 2. The same California Code states that unprofessional conduct includes a physician's ''failure . . . to maintain adequate and accurate records relating to the provision of services.'' Cal. Bus. & Prof. Code § 2266 (West 2023–24); OSC, at 2.

After researching and analyzing the California standard of care, and reviewing the testimony of Dr. Munzing, the Agency credits Dr. Munzing's standard of care testimony in this matter as an accurate reflection of California law. Accordingly, the Agency agrees with the RD's assessment of Dr. Munzing's testimony, and affords Dr. Munzing's testimony full and controlling weight. *See also* RD, at 9–14; *infra* section III.A.

III. Findings of Fact [6]

A. The Government's Case

The Government presented three witnesses—two Diversion Investigators and its expert, Dr. Timothy Munzing. After Respondent stated that he had no objection, the ALJ accepted Dr. Munzing ''as an expert in the practice of medicine in California, including, but not limited to, the applicable standards of care in California for the prescribing of controlled substances within the usual course of the professional practice of medicine, which is what he was proffered as an expert in the government's prehearing statement and his witness summary.'' [7] Tr. 224. Having thoroughly analyzed the record and applicable law, the Agency agrees with the RD that Dr. Munzing ''presented as a knowledgeable and reliable expert witness'' whose testimony about the applicable standard of care and its application to specific individuals and circumstances was ''detailed'' and ''consistent.'' RD, at 9; *supra* section II. The Agency agrees with the RD's assessment that Dr. Munzing is a ''reliable and credible witness'' whose testimony deserves ''full and controlling weight'' and, accordingly, also affords Dr. Munzing's testimony full and controlling weight. RD, at 10; *supra* section II.

B. Respondent's Case

Although his filed submissions and statements indicate an intention to present an affirmative case, Respondent, in the end, chose not to testify or to call any witness.[8] Tr. 615 (Respondent's Counsel stating that ''[t]here's an independent criminal investigation. And, I'm assuming you figured that out, given this case. And so, we are choosing not to'' put on a case). Respondent successfully accomplished the admission of three documents, RX 8, RX 12, and RX 13. *Supra* section II, *infra* section III.C.2.a. His counsel cross-examined all of the Government's witnesses and presented an opening statement and a closing argument.[9] Tr.

[4] The California Code's definition of ''dangerous drug'' includes any drug whose dispensing without a prescription is prohibited by federal law. Cal. Bus. & Prof. Code § 4022 (West 2023–24).

Further, regarding ''unprofessional conduct,'' the California Business and Professions Code references the provisions of Division 2, Chapter 5, and Article 12 for what constitutes ''unprofessional conduct,'' and states that the Medical Board of California ''shall take action against any licensee who is charged with unprofessional conduct.'' *Id.* § 2234 (West 2023–24), *see also id.* § 2241.5(a) and (b) (West 2023–24), that Respondent successfully offered into the record as RX 13 (''A physician . . . may prescribe for . . . a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain including, but not limited to, intractable pain. . . . No physician . . . shall be subject to disciplinary action for prescribing . . . dangerous drugs or prescription controlled substances in accordance with this section.''); *but see id.* § 2241.5(c) (explicitly excepting from its disciplinary action prohibition violations of section 2234 (regarding gross negligence, repeated negligent acts, or incompetence), § 2241 (regarding treatment of an addict), and § 2242 (regarding performing an appropriate prior examination and the existence of a medical indication for prescribing dangerous drugs), among others).

Respondent also successfully offered California Health and Safety Code § 124961 (West 2023–24) (RX 12) (Pain Patient's Bill of Rights). The Agency notes that the primary foci of this provision are the rights of a ''pain patient,'' and that, regarding practitioners like Respondent, its subsection (f) states that ''[n]othing in this section shall do either of the following: (1) Limit any reporting or disciplinary provisions applicable to licensed physicians . . . who violate prescribing practices or other provisions set forth in the Medical Practices Act, Chapter 5 (commencing with Section 2000) of Division 2 of the Business and Professions Code, or the regulations adopted thereunder)'' and ''(2) Limit the applicability of any federal statute or federal regulation or any of the other statutes or regulations of this state that regulate dangerous drugs or controlled substances.''

[5] Such clearly excessive prescribing is a misdemeanor punishable by fine, imprisonment, or both. Cal. Bus. & Prof. Code § 725(b) (West 2023–24). The section also states that a ''practitioner who has a medical basis for prescribing, furnishing, dispensing, or administering dangerous drugs or prescription controlled substances shall not be subject to disciplinary action or prosecution under this section,'' and ''[n]o physician and surgeon shall be subject to disciplinary action pursuant to this section for treating intractable pain in compliance with section 2241.5.'' *Id.* §§ 725(c) and (d).

[6] The Agency incorporates the parties' Stipulations and accepts them as fact. RD, at 4, n.4; *see also* Prehearing Ruling, at 2–3. Among other things, the parties' stipulations state that oxycodone, methadone, fentanyl, meperidine, morphine sulfate, and oxymorphone are Schedule II controlled substances, that ketamine is a Schedule III controlled substance, and that carisoprodol and alprazolam are Schedule IV controlled substances. Prehearing Ruling, at 2–3. The first and second stipulations address Respondent's DEA registration and its status. *Id.* at 2.

[7] The first DI (DI1) testified about the search of Respondent's office for medical records and authenticated the medical records that the Government gathered into Government Exhibits (GX) for the hearing. Tr. 30–62. Respondent did not object to the admission of any of those GX and the ALJ admitted all of them. *Id.* at 38–62.

The Agency agrees with the RD that DI1's ''testimony was sufficiently detailed, plausible, and internally consistent to be afforded full credibility,'' and further agrees with the RD to give DI1's testimony full weight. RD, at 5.

The second DI who testified, the lead of the two, (DI2) addressed the investigative steps taken to follow up on the lead that DEA's Los Angeles Field Division received about Respondent. *E.g.* Tr. 72–78, 86–87, 95–97, 113–19, 130–32; *see also* RD, at 5. The Agency agrees with the RD's assessment that Respondent's Counsel's attempts to impeach DI2 were not successful. RD, at 6–7.

The Agency agrees with the RD that DI2 ''presented as an objective, credible witness with no motive to fabricate,'' and that she testified ''clear[ly], consistent[ly], and specific[ally].'' *Id.* at 7. The Agency, therefore, gives DI2's testimony ''full weight.'' *Id.*

[8] Further, Respondent failed to comply with hearing deadlines and processes, resulting in a ruling by the ALJ that disallowed his ability to call an expert to testify on his behalf. Respondent did not request interlocutory review of this ruling, and neither his opening statement nor his closing argument mentions this ALJ ruling.

[9] Respondent's closing argument, on January 24, 2023, involved Counsel's use of ''slides.'' *E.g.,* Tr. 658, 659. As he did not move the slides into evidence, they are not available to the Agency for this adjudication. It is noteworthy that, on January 20th, the second day of the hearing, after a short break at about noon (Eastern), the ALJ provided ''general notice to the parties'' that ''an

17–26 (opening statement), Tr. 657–84 (closing argument). Although he indicated that he would, Respondent did not submit a brief or other written, final argument after the hearing.[10] The Agency carefully reviewed and analyzed Respondent's position in this adjudication, evidenced through items such as his filings, his cross-examinations of the Government's witnesses, the documents he successfully moved into evidence, and his opening statement and closing argument at the hearing. In sum, the Agency concludes that Respondent's arguments are not based on admitted record evidence, are not persuasive, and/or do not successfully rebut the record evidence sponsored by the Government or the Government's *prima facie* case. *Infra* sections III.C.2. and IV.B. Accordingly, and as discussed further throughout, the Agency does not credit Respondent's arguments.

C. Allegation That Respondent Issued Prescriptions for Controlled Substances Beneath the Applicable Standard of Care and Outside the Usual Course of Professional Practice

Having read and analyzed the transmitted record, the Agency finds substantial and uncontroverted record evidence that Respondent, between January 2020 and June 2022, repeatedly issued controlled substance prescriptions in California beneath the applicable standard of care and outside the usual course of professional practice.[11] *See also* RD, at 14–33. The record includes evidence of many such controlled substance prescriptions documented in the thousands of pages of the voluminous, transmitted record.[12] Examples of Respondent's illegal prescribing are set out below.

1. Examples of Respondent's Unlawful Controlled Substance Prescribing From January 2020 Through June 2022

The Agency finds substantial, uncontroverted record evidence of multiple controlled substance prescriptions that Respondent issued for multiple individuals from January 2020 through June 2022 beneath the applicable standard of care and outside the usual course of professional practice.

a. Examples of Unlawful Prescribing to Individual 1

The Agency finds substantial, uncontroverted record evidence that on January 24, 2020, Respondent issued two oxycodone (Schedule II) prescriptions to Individual 1: (1) oxycodone HCl ER 80 mg, #240 (thirty-day supply), with the instructions to ''take one tablet by mouth every three to four hours for severe pain''; and (2) oxycodone HCl 30 mg, #240 (thirty-day supply), with instructions to ''take one tablet by mouth every three to four hours as needed for severe breakthrough pain.'' GX 2c, at 3–4. These prescriptions were issued without a single substantive medical data point, note, or comment in Individual 1's medical record associated with the date of this office visit. GX 2a, at 137.[13] The office visit records state only that Individual 1 will ''. . . bring old records 'again' that 'office lost.' '' *Id.*

Dr. Munzing testified that Respondent's January 24, 2020 controlled substance prescribing for Individual 1 was beneath the applicable standard of care. Tr. 296–305, 306–12. Regarding the January 24, 2020 progress notes for Individual 1, Dr. Munzing testified that, ''there's no information. . . . [I]t says it's an office visit but there's no history, there's no vital signs, there's no exam. . . . [T]here's no listing of diagnoses and no listing of medication. . . . There's nothing else. . . . It is missing more details in regards to the updated condition. It is lacking anything regarding are there any adverse or side effects. It has a minimal examination, but very minimal. There is no assessment listed. There is no management plan listed. . . . It also does not list even what the medications the patients were taking at any of these specific dates and visits.'' Tr. 299–310. Based on this substantial, uncontroverted record evidence, including the expert testimony of Dr. Munzing, the Agency finds that Respondent issued these two Schedule II controlled substance prescriptions to Individual 1 beneath the applicable standard of care and outside the usual course of professional practice.[14]

Dr. Munzing went on to testify about the standard of care for a follow-up visit and concluded that Respondent prescribed subsequent controlled substances beneath that standard of care as well. Tr. 264–65. Dr. Munzing testified that during follow-up visits, physicians ''use something called the five A's as a mnemonic. You know, analgesics: so, how's your pain doing? Activity, functional level. How are you functioning with, with the treatment, not just the medication treatment but the treatment that we have you doing. Are you having any adverse or side effects from the medications? How is the affect of the patient, you know, standing, sitting before you? Do they look high, or do they look like they're falling asleep, or are they actively engaged appropriately in the conversation? And any potential aberrant behaviors, whether it be either

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administrative law judge is not required to comb through the record in search for information. Given the size and complexity of this record,'' the ALJ continued, she wants ''to just state that upfront during the hearing so that you are aware that if you want . . . [her] to consider things, please address them through your witnesses otherwise there is no guarantee that it is going to be considered because this is just, as you can see, it is a large record. It is going to be a complex record.'' *Id.* at 306–07. The ALJ did not ''want anybody to be surprised by that,'' she stated, as she wanted ''to give both sides notice of that general principle that . . . [she] will be adhering to in this case.'' *Id.* at 307.

[10] Eleven individuals who claim Respondent is their doctor sought to intervene in the administrative proceeding to dissolve the order that immediately suspended Respondent's registration, among other things. Emergency Motion—Request a Hearing to Move to Intervene (November 22, 2022). The ALJ denied that stay request and their request to participate in the hearing. Order Denying Patients' Emergency Motion to Intervene (December 2, 2022); *see also* Order Denying Patients' Request to Participate in Prehearing Conference (November 28, 2022). At the beginning of the hearing, the ALJ stated that the eleven ''sought a stay of these proceedings in the D.C. Circuit Court'' and that ''[t]hat stay request was denied last night.'' Tr. 10. As the ALJ does not have authority to alter the immediate suspension of a registration, the ALJ correctly denied the relief that the eleven requested.

[11] During the prehearing phase, Respondent sought federal court relief in the Central District of California from the immediate suspension of his registration (ISO), including a temporary restraining order (TRO). *Bockoff* v. *Garland, et al.,* No. 2:22–cv–09046 (December 15, 2022). The Federal Court denied Respondent's request for a TRO stating, among other things, that Respondent ''concedes that there were issues with his recordkeeping but argues that he did in fact conduct appropriate medical evaluation [sic], testing, and monitoring to justify the high dosages of controlled substances that he prescribed.'' Order Denying Plaintiff's Application for a Temporary Restraining Order, at 3.

[12] To maintain the focus on relevant evidence, the Agency is not considering the references in Respondent's closing argument that pertain to a period before or after the period alleged in the OSC.

[13] The record evidence indicates that each page of Respondent's medical record form should have been used for two patient interactions; however, regarding Individual 1, Respondent used one page of the medical record form to inadequately record nine interactions with Individual 1 from May 13, 2019 to January 24, 2020. *Id.*

[14] Dr. Munzing testified about the standard of care for a legacy patient, *i.e.,* someone who was previously treated by someone different, such as Individual 1, and concluded that Respondent prescribed controlled substances to Individual 1 beneath that standard of care. Tr. 272, 355–58 (Dr. Munzing testifying that Respondent was still required to take a detailed history, confirm the treatment was actually happening, independently evaluate the treatment's appropriateness, determine that the medications were truly prescribed, perform a urine drug test to confirm what medications were actually being taken, and independently determine how to treat the person); *see also* Tr. 339–45 (Dr. Munzing testifying about the lack of an appropriate informed consent by Individual 1 anywhere in Respondent's medical records for the controlled substances that Respondent was issuing Individual 1); *see also id.* at 325–33 (Dr. Munzing testifying about the insufficiency of Respondent's examinations of Individual 1 prior to the period covered in the OSC).

the patient saying, well, I got this medicine from someone else, or aberrant behaviors identified by whether it be the CURES reports or urine drug tests, et cetera.'' Tr. 480–83.[15]

On February 24, 2020, Respondent re-issued to Individual 1 the same two oxycodone prescriptions from January 24, 2020. GX 2b, at 59. Again, Dr. Munzing testified that he did not ''see any assessment at all,'' that ''[t]here is no plan . . . as best that . . . [he] can see,'' that the minimal-to-no documentation means that there is no medication list, no impression documented, and no drug-testing/monitoring addressed until after June 22, 2020. Tr. 316; *see also* Tr. 313–24. Accordingly, the Agency finds substantial, uncontroverted record evidence that Respondent's issuance of the two oxycodone prescriptions on February 24, 2020,[16] was also beneath the applicable standard of care. Tr. 313–24. Notably, this illegal controlled substance prescribing by Respondent gave Individual 1 access to 480 Schedule II tablets in a thirty-day period. *Supra.*

b. Examples of Unlawful Prescribing to Individual 2

The Agency finds substantial, uncontroverted record evidence of illegal controlled substance prescribing regarding Individual 2. The Agency finds that there is substantial, uncontroverted record evidence that on March 18, 2020, Respondent added a new Schedule II controlled substance prescription, methadone HCl 5 mg, #70 (thirty-day supply), to two other controlled substance prescriptions that he had already prescribed to Individual 2 six days before on March 12, 2020, namely, morphine sulfate ER 100 mg, #90 (thirty-day supply) and oxycodone HCl 30 mg, #120 (thirty-day supply). GX 3c, at 7, 9, 10. Dr. Munzing testified that the medical record form that Respondent created for the associated encounter with Individual 2 contained information for encounters on January 16, 2020, March 12, 2020, May 7, 2020, June 29, 2020, August 28, 2020, and October 22, 2020. Tr. 374–80; *see also* GX 3b, at 63. However, Respondent's medical records do not include any entry for March 18, 2020, the date the methadone 5 mg prescription was issued. Tr. 374–76.

Regarding Respondent's addition of methadone 5 mg to the controlled substance prescriptions that he was issuing Individual 2, Dr. Munzing testified that Respondent's medical records for Individual 2, ''just under'' the March 12, 2020 date say ''not getting much help from clonidine.''[17] Tr. 374; *see also* Tr. 375.[18] Dr. Munzing testified, ''[c]lonidine is not a pain medication[, so] it [does not] explain why methadone is started.'' Tr. 376. Dr. Munzing's testimony lists multiple other items missing from Respondent's medical record for Individual 2 associated with the addition of methadone 5 mg, including: an appropriate history, vital signs, a physical examination, an assessment, a specific plan, and documentation of Respondent's discussion with Individual 2 about the increased risk to Individual 2 of increasing the morphine milligram equivalent by adding methadone 5 mg.[19] Tr. 376–77.

The further substantial, undisputed record evidence is that on April 10, 2020, Respondent increased the dosage of the methadone HCl he had prescribed for Individual 2 from 5 mg to 10 mg, with instructions that increased Individual 2's daily methadone dose to 30 mg. GX 3c, at 17; Tr. 379. The Agency notes that Respondent's medical records for Individual 2 during this time period do not show an entry for any day in April 2020, let alone an entry for April 10, 2020, specifically. GX 3b, at 63; GX 3c, at 23 (CURES Consolidated Report showing that the methadone 10 mg prescription for Individual 2 was filled on April 14, 2020).

The Agency credits Dr. Munzing's testimony and finds substantial, uncontroverted record evidence that Respondent issued the March 18, 2020 and April 14, 2020 methadone prescriptions to Individual 2 beneath the applicable standard of care and outside the usual course of professional practice. Tr. 376–80. Moreover, Respondent's illegal morphine sulphate, oxycodone, and methadone controlled substance prescribing to Individual 2 gave Individual 2 access to 280 Schedule II controlled substance tablets in a thirty-day period. *Supra.*

c. Examples of Unlawful Prescribing to Individual 3

The Agency finds substantial, uncontroverted record evidence of illegal controlled substance prescribing regarding Individual 3. Substantial record evidence shows that on March 13, 2020, Respondent prescribed methadone HCl 5 mg, #70 (thirty-day supply) to Individual 3. GX 4d, at 30, 42. Dr. Munzing credibly testified that there is nothing on the January 13, 2020 through April 9, 2020 page of Respondent's medical record notes for Individual 3 documenting why Respondent issued the methadone HCl 5 mg prescription to Individual 3 on March 13, 2020. Tr. 420–23. The Agency, therefore, finds substantial, uncontroverted record evidence that Respondent's medical records for Individual 3, dated January 13, 2020, and March 13, 2020, do not include, as the applicable standard of care requires, Respondent's medical analyses, impressions, justifications, or rationales for prescribing methadone to Individual 3 on March 13, 2020.[20] Tr. 420–23; *see also* GX 4b, at 675; RD, at 20–21.

[15] The Agency further finds that the record also includes substantial, uncontroverted evidence of Respondent's controlled substance-related negative experience. For example, substantial, uncontroverted record evidence shows that Respondent ordered urine drug screens (UDS) for Individual 1 in March of 2020 and in March of 2021, yet failed to document how, if at all, he addressed the screens' aberrant results. GX 2a, at 59–60; Tr. 345–46. Given the seriousness, going to the core of the CSA, of the examples set out in this section, any one of which, alone, is sufficient to support the revocation of Respondent's registration, there is no need for the Agency to detail any other examples of Respondent's negative controlled substance-related experience.

[16] In addition, Respondent re-issued the same two Schedule II controlled substance prescriptions (oxycodone) to Individual 1 monthly thereafter, at least through September 18, 2020. GX 2c, at 5–40.

[17] Dr. Munzing testified that he cannot read Respondent's handwriting in red ink next to ''OV: 3–12–20'' and directly after '' 'allergic' to'' something. Tr. 375. The word that Dr. Munzing could not make out appears to possibly be ''buprenorphine.''

[18] Dr. Munzing also testified that Respondent appears to have indicated in Individual 2's medical record that Respondent prescribed 20 mg of methadone per day when, in fact, according to CURES he was prescribing 30 mg per day. Tr. 379. Further, Dr. Munzing also testified that, on Respondent's medical record entry for Individual 2's office visit on May 7, 2020, the month after Respondent increased Individual 2's methadone dosage from 5 mg to 10 mg, ''there's no[t] even mention of methadone or any of the controlled substances listed there.'' *Id.;* GX 3c, at 17 (Respondent's increased dosage of methadone for Individual 2 issued on April 10, 2020, methadone HCl 10 mg, #90 (thirty-day supply)).

[19] The Agency does not credit Respondent's closing argument defense that he obtained a signed consent form from Individual 2 to prescribe methadone. Even if Respondent had a signed consent form, it does not excuse Respondent's failure to comply with the applicable standard of care that requires Respondent to note in the medical record why he decided to prescribe a controlled substance.

[20] Dr. Munzing, when asked if he would agree that ''the huge majority of patients that . . . [Respondent] was treating, in fact, he was treating them for intractable pain,'' testified that he thinks Respondent ''thought he was treating them for intractable pain,'' but that the ''documentation doesn't really support that.'' Tr. 550–51. In explaining, Dr. Munzing used Individual 3 as an example. His testimony counterposes Respondent's evaluation and management of Individual 3 against those of Individual 3's gastroenterologist who, in 2018, had not seen Individual 3 ''for quite some time, ordered some tests, ordered some imaging studies that we have no idea what those studies, the results of those studies. We haven't seen those in the medical records. . . . The gastroenterologist who had seen . . . [Individual 3] many years before said . . . I really haven't seen you for quite some

Similarly, the Agency finds substantial, uncontroverted record evidence that the following month, on April 9, 2020, Respondent increased the dosage of the methadone HCl prescribed to Individual 3 to 10 mg and the frequency from once a day to three times a day. GX 4d, at 51, 54; GX 4b, at 674. Again, Dr. Munzing testified that Respondent issued the April 9, 2020 prescription to Individual 3 without any explanation for the increased dosage in Respondent's corresponding medical record notes. Tr. 423–27. The Agency, therefore, finds that based on the substantial, uncontroverted record evidence, Respondent's April 9, 2020 medical record note does not include, as the applicable standard of care requires, Respondent's medical analyses, impressions, justifications, or rationales for increasing the methadone dosage for Individual 3 on that date. Tr. 423–27; *see also* RD, at 21.

Accordingly, based on the documentary record evidence and crediting the record testimony of Dr. Munzing, the Agency finds substantial, uncontroverted record evidence that in March and April of 2020, Respondent prescribed methadone for Individual 3 beneath the applicable standard of care and outside the usual course of professional practice. Tr. 422–27. Further, Respondent's illegal controlled substance prescribing to Individual 3 gave Individual 3 access to 70 Schedule II tablets for a thirty-day period.

d. Examples of Unlawful Prescribing to Individual 4

The Agency finds substantial, uncontroverted record evidence of illegal controlled substance prescribing regarding Individual 4. Substantial record evidence shows that on January 17, 2020, Respondent issued three controlled substance prescriptions to Individual 4: (1) alprazolam 2 mg, a benzodiazepine, #60 (thirty-day supply); (2) oxycodone 30 mg, #60 (fifteen-day supply); and (3) methadone 10 mg, #90 (fifteen-day supply). GX 6e, at 3–5; Tr. 489–90. The Agency finds that Respondent's medical record for Individual 4 associated with these three controlled substance prescriptions is dated January 10, 2020. Tr. 490–91; GX 6c, at 63. The Agency further finds substantial, uncontroverted record evidence that Respondent's medical record notes associated with the issuance of these three controlled substance prescriptions ''lack[s] . . . a lot of information that would be expected and would be required.'' Tr. 490–91 (Dr. Munzing testifying); *see also* RD, at 24–25. Accordingly, the Agency finds that, based on the documentary record evidence and the record testimony of Dr. Munzing, the substantial, uncontroverted record evidence shows that Respondent issued these three controlled substance prescriptions to Individual 4 beneath the applicable standard of care and outside the usual course of professional practice. Tr. 490–91. Further, Respondent's illegal controlled substance prescribing to Individual 4 gave Individual 4 access to 390 controlled substance tablets for a thirty-day period, of which 300 tablets were Schedule II and 90 tablets were Schedule IV.

e. Examples of Unlawful Prescribing to Individual 5

The Agency finds substantial, uncontroverted record evidence of illegal controlled substance prescribing regarding Individual 5. Substantial, uncontroverted record evidence shows that on January 7, 2020, Respondent issued four controlled substance prescriptions to Individual 5: (1) oxymorphone HCl ER 20 mg, #240 (thirty-day supply); (2) oxymorphone HCl 10 mg, #180 (thirty-day supply); (3) carisoprodol 350 mg, #90 (thirty-day supply); and 4) buprenorphine HCl 8 mg, #60 (thirty-day supply). GX 5c, at 1–8; Tr. 473–75. The Agency finds that the office visit associated with Respondent's issuance of these four controlled substance prescriptions was on January 7, 2020. GX 5b, at 82; Tr. 475–76. Although Respondent recorded that Individual 5 visited his office on January 7, 2020, he wrote nothing after the date of the office visit in Individual 5's medical records. GX 5b, at 82; RD, at 26. Dr. Munzing testified that Respondent's controlled substance prescribing to Individual 5 on January 7, 2020, was beneath the applicable standard of care because Respondent failed to document Individual 5's medical history, vital signs, and medications; an appropriate physical examination of Individual 5; an updated assessment of Individual 5; and a treatment plan for Individual 5. Tr. 476.

The Agency, therefore, finds that based on the substantial, uncontroverted record evidence and the testimony of Dr. Munzing, Respondent issued the four controlled substance prescriptions on January 7, 2020, beneath the applicable standard of care and outside the usual course of professional practice. Tr. 476; *see also* RD, at 26. Further, Respondent's illegal controlled substance prescribing for Individual 5 gave Individual 5 access to 570 controlled substance tablets for a thirty-day period, of which 420 tablets were Schedule II, 60 tablets were Schedule III, and 90 tablets were Schedule IV.

In sum, the Agency finds substantial, uncontroverted record evidence of multiple controlled substance prescriptions that Respondent issued for multiple individuals from January 2020 through June 2022 beneath the applicable standard of care and outside the usual course of professional practice.

2. Respondent's Arguments Against the Government's Evidence

Respondent sought to impugn the Government's evidence, including Dr. Munzing's credibility and testimony, in multiple ways.[21] Regarding Dr. Munzing's testimony about Respondent's medical records of his controlled substance prescribing, Respondent argues that Dr. Munzing is not in a position to formulate an expert opinion on the matter because he was not present during Respondent's interactions with any of the five individuals discussed in the OSC. Tr. 310–11 (Respondent arguing that ''Dr. Munzing continues to conflate what is in the records and what happened at the actual exam. He acts as though, and testifies as such, that he knows what happened at this examination and that just simply is not true unless he has interviewed someone or is looking at other notes. He is perfectly capable, and it is proper for him to talk about the sufficiency of the medical records. And there is no indication in the records that these things occur. But that is not what he is saying. He is saying that these things never happened. And I do not believe there is a basis for that in the record nor do I believe he has a basis to make such a statement.''), *id.* at 319–20 (Respondent arguing that Dr. Munzing ''continues to act as though the fact that something doesn't appear in the record means it didn't happen when in fact the evidence is to the contrary.''), *id.* at 344 (Respondent arguing that Dr. Munzing ''clearly specifically is conflating the standard of care for informed consent with the standard of care for documentation''). The Agency does not

time and you haven't had any recent workup. So, I don't believe the gastroenterologist was assuming that . . . [Individual 3] had intractable pain. He felt that we need to find out what's going on.'' Tr. 550, 552.

[21] The Agency carefully evaluated each of Respondent's objections based on the parameters of the OSC's allegations—between January 2020 through June 2022. *E.g.,* Tr. 326, 332, 358. None of the findings in this Decision are based on evidence dated outside of the OSC's January 2020 through June 2022 parameter. Evidence dated outside of the parameter is only considered for context, as appropriate given the OSC's allegations. *Supra* section III.C.1.

credit this category of Respondent's objections.

Section 2266 of the California Business and Professions Code is clear: it is unprofessional conduct for a physician to fail ''to maintain adequate and accurate records relating to the provision of services.'' *Supra* section II. The ALJ handled Respondent's arguments correctly. Tr. 311 (ALJ stating that ''there is agency case law that says if it is not in a document, then it did not happen''); RD, at 4, n.5 (citing prior Agency decisions, stating that they ''make clear'' that a controlled substance prescription is issued beneath the applicable standard of care and outside the usual course of professional practice when a registrant fails to create adequate documentation of his controlled substance prescribing, including of all of the steps that led to his issuing each controlled substance prescription), *see also* RD, at 38 (citing prior Agency decisions); Tr. 360–61 (ALJ ruling that Dr. Munzing ''is reviewing documentation. He can make conclusions based on that documentation regarding the standard of care and I just didn't want to leave anybody with a misunderstanding of how I was approaching it. I'm not viewing it as just a recordkeeping violation and I will allow respondent to address on cross examination his point that Dr. Munzing is relying on documentation and was obviously not present during the examinations.'').

Respondent further argues that he is allowed to write ''follow-up prescriptions'' without ''these intense examinations'' that Dr. Munzing ''has previously described.'' *Id.* at 324–25. The Agency thoroughly reviewed California's standard of care and finds no support in it for Respondent's argument. *Supra* sections II and III.C.1.a.

Regarding the Government's allegation that Respondent's monitoring through UDS was beneath the applicable standard of care and outside the usual course of professional practice, Respondent argues that the ''Government's theory has now shifted from the OSC. Now they say that . . . [Respondent] did not adequately address aberrant results.'' Tr. 679. Based on the multiple references to UDS and UDS-related allegations in the OSC, the Agency does not credit Respondent's argument that the Government's theory about UDS ''shifted from the OSC.'' [22]

Respondent's argument about the OSC's UDS allegations then states that ''the logical inference from looking at the patient files is that . . . [Respondent] addressed the issue with his patients to his satisfaction, sufficient to make him comfortable to continue prescribing. The notion that he ignored aberrant results is absurd. Why would . . . [Respondent] be doing regular urine drug screening to just ignore the results. It does not make any sense.'' [23] *Id.* at 679. The Agency has not credited this argument in the past, and it does not credit Respondent's iteration of it now. *E.g., Benton D. Wynn, M.D.,* 87 FR 24,228, 24,234–35 (2022); *Craig S. Rosenblum, M.D.,* 87 FR 21,181, 21,203 (2022); *John X. Qian, M.D.,* 87 FR 8039, 8051–52 (2022).

Regarding Respondent's continued controlled substance prescribing as his medical records improved, Dr. Munzing acknowledges that the ''medical records improved a lot.'' Tr. 537. When Respondent's Counsel retorted that Respondent ''did nothing wrong'' after his medical records improved and ''had come into compliance,'' Dr. Munzing answered that ''[i]f the prescribing continued as it was, . . . I still don't agree that the prescribing was . . . okay.'' *Id.* at 537–38. Respondent's argument that improved medical records also mean that the underlying controlled substance prescribings then become legitimate is a *non sequitur.* The Agency does not credit Respondent's argument that his improved medical records mean that his controlled substance prescribing then fell within the applicable standard of care and the usual course of professional practice.

The Agency addresses Respondent's other arguments below, starting with the arguments based on Respondent's three exhibits, and then categorizing Respondent's remaining arguments into those concerning Dr. Munzing and those concerning DEA's investigation. In sum, the Agency does not credit any of Respondent's arguments. *See also, e.g.,* RD, at 4, 7–10, 26, 38–40.

a. Respondent's Arguments Based on His Three Exhibits

As already discussed, Respondent successfully offered three documents into evidence. First, RX 8 is titled ''How to Prescribe Controlled Substances to Patients During the COVID–19 Public Health Emergency'' (Pandemic Prescribing).[24] This one-page document states that DEA ''adopted policies to allow DEA-registered practitioners to prescribe controlled substances without having to interact in-person with their patients.'' RX 8, at 1. It is a ''guidance document'' that is ''not binding and lack[s] the force and effect of law, unless expressly authorized by statute or expressly incorporated into a contract, grant, or cooperative agreement.'' *Id.* Pandemic Prescribing states that its ''policies are effective beginning March 31, 2020, and will remain in effect for the duration of the public health emergency, unless DEA specifies an earlier date.'' *Id.* Pandemic Prescribing states that, ''[u]nder federal law, all controlled substance prescriptions must be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his/her professional practice. 21 CFR 1306.04(a).'' *Id.* It continues that, ''[i]n all circumstances when prescribing a controlled substance, including those summarized below, the practitioner must use his/her sound judgment to determine that s/he has sufficient information to conclude that the issuance of the prescription is for a *bona fide* medical purpose.'' *Id.* Its prefatory content concludes by stating that ''[p]ractitioners must also comply with applicable state law.'' *Id.* Finally, Pandemic Prescribing cites to the DEA Diversion internet address and ''relevant law and regulations'' for ''[f]ull details.'' *Id.*

According to RX 8, how a practitioner evaluates a patient, from March 31, 2020 through the duration of the public health emergency, depends on whether

[22] The Agency notes that the OSC includes multiple references to, and allegations about, UDS and Respondent's use or lack of use of UDS. Regarding Individual 2 and Individual 1, the OSC states that Respondent ''failed to order regular urine drug screening, and failed to properly address the results.'' OSC, at 4, 7. Regarding Individual 3, Individual 4, and Individual 5, the OSC states that Respondent ''failed to order regular urine drug screening.'' *Id.* at 5, 6, 7. The OSC also states that the CDC Guidelines for the Prescription of Opioids for Chronic Pain ''direct clinicians to address aberrant urine drug screen results with the patients.'' *Id.* at 3.

[23] This Decision and Order do not reach the OSC's allegations about Respondent's use or non-use of UDS. *Infra* n.35.

Respondent employs a similar argument concerning whether Respondent had ongoing management plans as required by the California standard of care. Concerning Dr. Munzing's testimony that he does not see Respondent's management plan for Individual 1, Respondent argues that Dr. Munzing ''is complaining [sic] what the plan should be and whether or not the plan is documented. He is acting and testifying as though the fact that information does not appear in the medical records means that this didn't happen. . . . I would say exactly the opposite. The fact that . . . [Respondent] put the word plan in here indicates he has a plan, and he has talked about it with his patient on this day. Whether or not this is a documentation issue is a separate argument that we can make at a later date and time. But he continues to act as though the fact that something doesn't appear in the record means it didn't happen when in fact the evidence is to the contrary.'' Tr. 319–20. The Agency rejects this and similar arguments by Respondent as *non sequiturs.*

[24] Respondent's Counsel references an expert, Dr. H., but Dr. H. did not testify, nor did Respondent seek the admission of any written opinion by Dr. H. *See, e.g.* Tr. 594.

the practitioner previously examined the patient in person. *Id.* If so, then the ''[p]ractitioner may conduct any needed follow-up evaluation by any method in person, telemedicine, telephone, email, etc.'' *Id.* If not, then a Practitioner who is prescribing ''buprenorphine for maintenance or detoxification treatment of an opioid use disorder . . . [e]valuate[s the] patient . . . in person, or via telemedicine using a real-time, two-way, audio-visual communications device.'' *Id.* If the practitioner has not previously examined the patient in person and is not prescribing buprenorphine for maintenance or detoxification treatment of an opioid use disorder, then the practitioner ''[e]valuates [the] patient . . . in person or via telemedicine using a real-time, two-way, audio-visual communications device.'' *Id.* In short, the DEA document about prescribing controlled substances during the COVID–19 public health emergency does not dispense with the legal standards of the required evaluation; it expands the options available to practitioners for conducting the required evaluation. *Id.*

The Agency finds substantial record evidence that Dr. Munzing's testimony accurately describes the content of Pandemic Prescribing. *See, e.g.,* Tr. 610–11. The Agency further finds substantial record evidence that Dr. Munzing's testimony accurately identifies which of Respondent's medical records concern in-person visits and which of Respondent's medical records describe telehealth interactions. *See, e.g., id.* at 609 (Dr. Munzing's testimony explaining that Respondent's medical records identify whether the note concerns an in-person visit or a telehealth interaction, and how they do so). Respondent, nevertheless, during his closing argument criticizing Dr. Munzing, argues that he ''talked a lot about in[-]person examinations and the need for the practitioner to lay hands on a patient if you're seeing them in person. But he ignored the DEA's own guidelines for the COVID pandemic that said in person visits were not required during the pandemic.'' Tr. 680. The Agency carefully considered this argument of Respondent and concludes that it is not a valid criticism of Dr. Munzing. On the one hand, Respondent's argument, cited in full above, accurately states that Dr. Munzing testified about the patient examination required by the applicable standard of care. This is to Dr. Munzing's credit.

On the other hand, Respondent's argument asserts, without support or citation to the record, that Dr. Munzing ''ignored'' Pandemic Prescribing. As already discussed, the record evidence shows the opposite and, therefore, the Agency does not credit this Respondent criticism of Dr. Munzing. Further, the Decision's findings that the Government established a *prima facie* case and that Respondent did not successfully rebut it are based solely on Respondent's in-person interactions. The Agency concludes that those in-person interactions and associated controlled substance prescribings do not comply with the applicable standard of care. *Supra* sections II and III, *infra* sections IV and V.

The second item that Respondent successfully moved into evidence is RX 12, a copy of section 124961 of the California Health and Safety Code. According to this provision, titled the ''Pain Patient's Bill of Rights,'' a ''patient who suffers from severe chronic intractable pain has the option to request or reject the use of any or all modalities in order to relieve his or her pain,'' and ''has the option to choose opiate medications to relieve that pain without first having to submit to an invasive medical procedure,'' among other things. Cal. Health & Safety Code § 124961(a) and (b). The provision also includes clauses addressing practitioners, such as ones explicitly stating that a ''patient's physician may refuse to prescribe opiate medication,'' and that a ''physician who uses opiate therapy to relieve severe chronic intractable pain may prescribe a dosage deemed medically necessary to relieve the patient's pain, as long as that prescribing is in conformance with Section 2241.5 of the Business and Professions Code.'' *Id.* § 124961 (c) and (d).

Indeed, Respondent successfully moved into evidence, as RX 13, section 2241.5 of the California Business and Professions Code, a provision mentioned in section 124961 multiple times. *Infra.* Section 124961 references section 2241.5 when it states that, ''[n]othing in this section shall be construed to alter any of the provisions set forth in Section 2241.5 of the Business and Professions Code.'' *Id.* § 124961 (preface). Section 124961 further states, explicitly, that it shall not ''[l]imit any reporting or disciplinary provisions applicable to licensed physicians and surgeons who violate prescribing practices or other provisions set forth in the Medical Practice Act,'' and that it shall not ''[l]imit the applicability of any federal statute or federal regulation or any of the other statutes or regulations of this state that regulate dangerous drugs or controlled substances.'' *Id.* § 124961 (preface) and (f)(2).

The Agency finds that the provisions of section 124961, while called the ''Pain Patient's Bill of Rights,'' do not alter the standard of care applicable to physicians treating those ''Pain Patients.'' For example, the provisions afford a patient ''who suffers from severe chronic intractable pain . . . the option to request or reject the use of any or all modalities in order to relieve his or her pain.'' *Id.* § 124961(a). At the same time, though, the section explicitly states that practitioners may refuse to prescribe opioids, and that practitioners who do prescribe opioids must continue to comply with all associated state and federal legal requirements when doing so. *Id.* § 124961(c) and (f)(2). In other words, the Agency finds that the provision does not alter a practitioner's responsibility to comply with the applicable standard of care.

In addition, the provisions of RX 13, section 2241.5, include permission for a ''physician and surgeon . . . [to] prescribe for . . . a person under his or her treatment for a medical condition dangerous drugs or prescription controlled substances for the treatment of pain or a condition causing pain . . . including, but not limited to, intractable pain.'' Cal. Bus. & Prof. Code § 2241.5(a). It also includes protections from disciplinary action for a physician who prescribes dangerous drugs or controlled substances ''in accordance with this section,'' and caveats that the section does not impact medical board action against a physician who, among other things, engages in unprofessional conduct including gross negligence, repeated negligent acts, or incompetence, violates the requirement to perform an appropriate prior examination before prescribing a dangerous drug, prescribes in violation of California law, or fails to comply with all state controlled substance recordkeeping requirements. *Id.* § 2241.5(b) and (c).

Regarding RX 12 and RX 13, Respondent, during his cross-examination of Dr. Munzing and his closing oral argument, primarily focuses on the prohibition of disciplinary action ''for prescribing or administering a controlled substance in the course of treatment of a person for intractable pain'' and how the ''clear'' California ''public policy in favor of making sure patients have access to adequate treatment for their pain . . . would be severely undermin[ed]'' if Respondent's registration were revoked. *E.g.,* Tr. 554, 683. Respondent places much less, if any, emphasis on the fact that neither of these California statutes, or Pandemic Prescribing, authorizes a registrant to violate the applicable standard of care

when prescribing a controlled substance. *Supra.* This fact is of the utmost importance for the appropriate adjudication of the OSC and leads to the inescapable conclusion that neither RX 8, RX 12, nor RX 13 justifies or excuses Respondent's violations of the applicable standard of care while prescribing controlled substances.

b. Respondent's Additional Arguments Concerning Dr. Munzing

Respondent levels multiple, additional criticisms against Dr. Munzing.[25] After carefully considering each of them, the Agency credits none of them. *See also* RD, at 7–8.

Respondent argues that Dr. Munzing does not have the expertise, as a career employee of Kaiser who is not board certified in pain, to testify about Respondent's controlled substance prescribing for individuals with intractable pain. *E.g.,* Tr. 546–47. When given the opportunity during the hearing to address the Government's proffering of Dr. Munzing as an expert, however, Respondent twice stated that he had no objection to the acceptance of Dr. Munzing as an expert. *Id.* at 205, 224. Upon Respondent's final ''no objection'' response to the ALJ regarding qualifying Dr. Munzing as an expert, the ALJ accepted Dr. Munzing as an expert ''in the practice of medicine in California, including, but not limited to, the applicable standards of care in California for the prescribing of controlled substances within the usual course of the professional practice of medicine, *which is what he was proffered as an expert in the [G]overnment's prehearing statement and his witness summary* [emphasis added].'' *Id.* at 224.

Respondent had more than two months' notice of the Government's proposed parameters for Dr. Munzing's testimony. *Id.; see also* Government Prehearing Statement (November 16, 2022), at 5–6. Accordingly, this notice and Respondent's ''no objection'' responses to the ALJ about the Government's proffering Dr. Munzing as its expert foreclose Respondent's subsequent, closing argument challenges to Dr. Munzing's expert qualifications. They further foreclose Respondent's closing argument assertions that, ''Dr. Munzing's opinion about the California standard of care is unreliable,'' including that Dr. Munzing ''rambled'' and testified to best practices, not necessarily to the applicable standard of care.[26] *Id.* at 667. The Agency, as already discussed, finds that the testimony of Dr. Munzing, on which this Decision is based, is fully consistent with the applicable standard of care; it is not ''rambling'' and it does not confuse the Agency as to the difference between the applicable standard of care and matters that are not incumbent on registrants, like Respondent, to follow. *Supra* sections II and III.C.1, *infra* section IV.B; *see also* RD, at n.10. Accordingly, the Agency does not credit the ''rambling'' and ''best practices'' criticisms that Respondent levels against Dr. Munzing's expert testimony.

The Agency does not credit Respondent's closing argument and statements during Dr. Munzing's testimony criticizing Dr. Munzing because he never examined, interviewed, or otherwise interacted with any of the individuals who saw Respondent and whose medical records are referenced in the OSC. *E.g.,* Tr. 312–13 (Dr. Munzing testifying that he did not speak to anybody whose medical records by Respondent he reviewed), *id.* at 592–93 (Dr. Munzing testifying that he reviewed the materials about the five individuals referenced in the OSC), *id.* at 311 (Respondent's Counsel stating that Dr. Munzing ''acts as though, and testifies as such, that he knows what happened at this examination and that just simply is not true unless he has interviewed someone or is looking at other notes'' and that Dr. Munzing ''is saying that these things never happened. And I do not believe there is a basis for that in the record nor do I believe he has a basis to make such a statement.''), *id.* at 666–67 (Respondent's Counsel arguing that Dr. Munzing's testimony ''lacks foundation'' because he does not know how Respondent ''actually examined his patients,'' ''[h]e has never examined these patients nor has he or anyone else from the DEA ever attempted to speak to them''), *id.* at 678 (Respondent's Counsel arguing that ''notably, Dr. Munzing never testified that the course of treatment for these patients was inappropriate in any way. He merely testified that it was not adequately documented.''); *id.* at 311–12 (ALJ overruling Respondent's objection, stating that, ''[t]he point is well taken . . . I would like precision here. I will note that there is agency case law that says if it is not in a document, then it did not happen. . . . [W]hat he [Dr. Munzing] is saying is his reading of the . . . records, that is not documented anywhere in these notes and that should be documented in these notes,'' but interrupted by Respondent's Counsel stating that, ''I fully accept that, Your Honor'').

As already discussed in the standard of care section, the Agency finds that Dr. Munzing's testimony accurately conveys and applies the applicable standard of care to the record evidence he was asked to address. *Supra* section II. Accordingly, Dr. Munzing's credible testimony informs this Decision's finding that the Government established a *prima facie* case and that Respondent did not successfully rebut it.[27] *Supra*

[25] The record shows that the ALJ clearly, explicitly, and repeatedly afforded Respondent the opportunity to ask the Government's witnesses questions during cross-examination. *E.g.* Tr. 342, 482.

[26] In this portion of Respondent's closing argument, Respondent's Counsel states: ''Fourth, Dr. Munzing's opinion about the California standard of care is unreliable. During his testimony, it was not clear when something he was opining on was what he viewed as a best practice or something that actually fell below the standard of care. As Your Honor knows, there is a wide range of conduct that falls within the standard of care. Revocation is only appropriate if his practices fell outside the balance of legitimate medical practice and outside the ordinary course of professional practice. Dr. Munzing's opinions were not focused on that narrow issue, were often rambling, and did not reliably establish a violation of the standard of care. In fact, at times, when the Court posed direct questions to Dr. Munzing about the standard of care, he was evasive and did not directly answer the questions.'' Tr. 667.

[27] The Agency notes that Respondent's oral closing argument cites only three specific exhibit references: GX 3b, at 161 and 163 and GX 3b, at 129. Tr. 658–84. Respondent claims that these documents date back to 2012 and 2013 to 2015, respectively. *Id.* at 670. While the Agency confirms that GX 3b, at 161 and 163 concern matters dating from 2012, there is no visible date on the page at GX 3b, at 129. Further, according to Respondent's closing argument, GX 3b, at 161 and 163 show that Individual 2 ''first came to see . . . [Respondent] in 2012 and at that time, Individual 2 was already on opioid medications from another doctor.'' *Id.* The Agency confirms Respondent's statement only to the extent that GX 3b, at 161 is a page showing 2012 CURES data, indicating that Individual 2 filled oxycodone HCl 30 mg and apap/oxycodone 325 mg-10 mg prescriptions on April 15, 2012 and August 18, 2012, respectively, issued by a physician other than Respondent. The Agency also confirms that GX 3b, at 163, consisting of CURES data, indicates that Individual 2 filled oxycodone hydrochloride 30 mg prescriptions on August 1, 2012 and August 29, 2012 issued by the same other physician. Regarding GX 3b, at 129, Respondent's closing argument states that the page ''shows that there is a significant gap in medical records for [Individual 2], and that's because . . . [Individual 2] was not receiving opioids during that time.'' *Id.* The Agency does not agree with Respondent's representation of GX 3b, at 129. GX 3b, at 129 is an undated LabCorp form with Individual 2's name and check marks next to comprehensive metabolic panel and CBC blood tests. There is no legible reference to an opioid on the page. GX 3b, at 129.

The third specific exhibit that Respondent references during his closing argument is GX 2a, at 136, concerning Individual 1. Tr. 663. According to Respondent's closing argument, it is ''not true'' that Respondent did not attempt to reduce controlled substance use by utilizing safer alternatives.'' *Id.* Instead, Respondent ''attempted to taper the patients down and in some cases, he was successful in doing so.'' *Id.* It is immediately after these words that the closing argument references GX 2a, at 136, stating that this page ''shows [Individual 1's] previous doctor prescribed the trinity combination

sections II., III.A., and III.C.1; *see also* RD, at 7–14.

Respondent criticizes Dr. Munzing's consulting work, including his work for United States law enforcement, stating that it compromises the independence Dr. Munzing needs to be a credible witness in this adjudication. *See, e.g.,* Tr. 514–17, 563–74. Further, Respondent, based on Dr. Munzing's *curriculum vitae,* GX 7, criticizes Dr. Munzing for lecturing about ''collaborating'' with law enforcement, suggesting that it shows ''inappropriate collaboration'' with law enforcement. GX 7, at 13; *e.g.,* Tr. 514–17. The Agency considered these criticisms of Dr. Munzing's independence and does not credit them for multiple reasons, namely because the Agency finds that Dr. Munzing's standard-of-care testimony conforms to the applicable standard of care and Dr. Munzing credibly and consistently applied the standard of care to the facts in this case. *Supra* section II; *see also* RD, at 7–9.

Similarly, Respondent asked Dr. Munzing about whether he had foreknowledge of the search warrant, including whether he had a role in drafting the search warrant for Respondent's medical records, about whether he was involved in the Government's deployment of undercover officers during its investigation of Respondent, and about financial aspects of his service as a medical consultant to law enforcement, including insinuating financial irregularities by Dr. Munzing.[28] *E.g.,* Tr. 575–92, 611–14. Although Respondent was given the opportunity and tried, the Agency finds that he did not successfully articulate the relevance of these questions. Even if he had been successful, Dr. Munzing's credible and consistent testimony is that he played no role in the search warrant drafting, that he did not see the search warrant affidavit before the September 2021 search took place, that he would not typically discuss whether to send undercover officers into a registrant's office, and that he ''does not believe'' that he discussed sending undercover officers into Respondent's office before the investigators took that action.[29] *Id.* at 521–22, 517.

Further, as already discussed, the Agency finds that Dr. Munzing's testimony accurately states the applicable standard of care, and accurately applies that standard of care to the record evidence that he was asked to address and that forms the bases of this Decision's findings of fact and conclusions of law. *See also* RD, at 8–10.

c. Respondent's Arguments Concerning DEA's Investigation

Respondent also challenges the process used during the Government's investigation of him and the ensuing issuance of the OSC. *E.g.,* Tr. 525–30. For example, Respondent argues that DEA issued the OSC before it possessed all of Respondent's medical records and, therefore, Respondent posits, before it had a basis to allege that Respondent's controlled substance prescribing violates the applicable standard of care. *E.g., id.* at 620–25 (Respondent arguing that DEA's search warrant affidavit falsely states that the search warrant is necessary because Respondent's medical practice is ''illegitimate'' when DEA did not possess all of the records needed to reach such a conclusion). The Agency finds that the questions Respondent raises about DEA's investigation of his practice are not creditable. The Agency certainly understands that Respondent would have preferred for DEA to have possessed all of Respondent's medical records at once, for DEA to have assessed that Respondent's medical recordkeeping improved after he became aware of DEA's investigation of his practice, and for the Agency not to have suspended Respondent's registration due to Respondent's improved recordkeeping.[30] The Agency disagrees, though, as it recently reasserted. *Morris & Dickson Co., LLC,* 88 FR 34,523, 34,539–40 (2023) (''[T]he Agency has also made it abundantly clear that remediation alone is not adequate to avoid a sanction and that limited-to-no-weight is given to remedial measures when the effort is not made until after enforcement begins. *See Mireille Lalanne, M.D.,* 78 FR 47,750, 47,777 (2013) (quoting *Liddy's Pharmacy, L.L.C.,* 76 FR 48,887, 48,897 (2011) (''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.'')); *see also Southwood Pharm. Inc.,* 72 FR at 36,503 (giving no weight to respondent's 'stroke-of-midnight decision' to cease supplying suspect pharmacies with controlled substances

to him. . . . [Respondent] did not do so. He prescribed oxycodone HCl and oxycodone.'' *Id.*

The Agency examined GX 2a, at 136. The page is a ''consolidated report'' from CURES. It shows that Individual 1 filled controlled substance prescriptions issued by three doctors, the most recent being Respondent, from October 16, 2018 to April 20, 2019. There are two prescriptions that Individual 1 filled immediately before Respondent started prescribing for Individual 1 on March 14, 2019: oxycodone HCl 30 mg, 120 tablets for a fifteen day supply, and oxycodone HCl 80 mg, 45 tablets, also for a fifteen day supply. GX 2a, at 136. There is no indication on GX 2a, at 136 that this physician ''prescribed the trinity combination'' to Individual 1. *Id.*

Further, the exhibit does not show that Respondent ''attempted to taper'' Individual 1 ''down and . . . was successful in doing so.'' *Id.* Instead, it shows the opposite. The page shows that Individual 1 filled four controlled substance prescriptions issued by Respondent: on March 20, 2019, Individual 1 filled a controlled substance prescription issued by Respondent for oxycodone HCl 80 mg, 240 tablets for a thirty-day supply; on March 28, 2019, Individual 1 filled a controlled substance prescription issued by Respondent for oxycodone HCl 30 mg, 240 tablets for a thirty-day supply; and again, on April 18, 2019, Individual 1 filled a controlled substance prescription issued by Respondent for oxycodone HCl 80 mg, 240 tablets for a thirty-day supply; and on April 20, 2018, Individual 1 filled a controlled substance prescription issued by Respondent for oxycodone HCl 30 mg, 240 tablets for a thirty-day supply. *Id.*

Accordingly, based on the face of GX 2a, at 136, the Agency disagrees with Respondent's characterization of it. *Id.* The Agency finds that GX 2a, at 136 shows that Respondent continued the prior physician's prescribing of oxycodone HCl 30 mg, although Respondent extended the prescribing from a fifteen-day supply to a thirty-day supply, thus making twice the number of tablets available to Individual 1 upon the filling of one prescription. *Id.* As for the oxycodone HCl 80 mg prescribing, while the Agency also finds that Respondent extended this prescribing for Individual 1 from a fifteen-day to a thirty-day supply, the Agency further finds that Respondent tripled the dosage, from three tablets a day (forty-five tablets for a fifteen-day supply) to eight tablets a day (two hundred forty tablets for a thirty-day supply). *Id.* Since the data appearing on GX 2a, at 136 are from a period that is outside the period alleged in the OSC, however, this Decision's finding that the Government established a *prima facie* case and that Respondent did not successfully rebut it are not based on those data.

Further, despite Respondent's argument that the ''voluminous'' number of his medical records shows that ''there is no doubt that . . . [Respondent] was carefully treating people,'' the Agency finds that there is no necessary correlation between the number of pages in a medical record and the medical record's compliance with legal standards. *Supra* sections II. and III.C.1., *infra* section IV.B.

[28] As for Respondent's questions about the financial arrangements associated with Dr. Munzing's consulting work, the Agency finds that Respondent merely insinuated financial irregularities; he did not offer any evidence, let alone proof, of them.

[29] The Agency agrees with the ALJ that the pending criminal investigation matters that Respondent raised are not relevant to this administrative adjudication. *E.g.,* Tr. 518–20 (Respondent arguing that Respondent's physical examinations of undercover officers are relevant and the ALJ responding that ''they have at best nominal relevance''); *see also id.* at 615 (Respondent's Counsel stating that the existence of an ''independent criminal investigation'' is the reason for Respondent's decision not to ''put on a case'' to defend himself against the OSC).

[30] The Agency is not saying that an OSC is inappropriate if a registrant shows improvement in medical record keeping.

In this matter, as Dr. Munzing testified, Respondent's medical record keeping improved, but the Agency does not find substantial record evidence that Respondent's controlled substance prescribing conforms to the applicable standard of care. Tr. 537–38 (Dr. Munzing testifying).

and to employ a compliance officer''); *infra* section V.[31]

After carefully reviewing the record, the Agency concludes that Respondent's arguments and defenses are not creditable, and do not successfully rebut the Government's case.

IV. Discussion

A. The Controlled Substances Act

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).[32] 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 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 185 n.2; *David H. Gillis, M.D.,* 58 FR 37,507, 37,508 (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* public interest revocation case is confined to factors B and D.[33] Government's Proposed Findings of Fact and Conclusions of Law, at 19–28; *see also* RD, at 35–40.

B. Unlawful Prescribing and Public Interest Analysis

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 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). Applicable California law, similar to applicable federal law, provides that ''prescriptions for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. Cal. Health & Safety Code § 11153(a); OSC, at 2; *supra* section II. Applicable California law also provides that it is unprofessional conduct to prescribe a controlled substance, or other ''dangerous drug,'' ''without an appropriate prior examination and a medical indication.'' Cal. Bus. & Prof. Code § 2242(a); OSC, at 2; *supra* section II. Further, California law states that ''unprofessional conduct'' by a physician includes the physician's ''failure . . . to maintain adequate and accurate records relating to the provision of services.'' Cal. Bus. & Prof. Code § 2266; OSC, at 2; *supra* section II.

As already noted, there is substantial, uncontroverted record evidence of violations of applicable law. *Supra* sections II and III.C.1. Those violations go to the heart of this Agency's law enforcement mission.

Having thoroughly analyzed the record evidence and applicable law, the Agency finds substantial, uncontroverted record evidence that Respondent issued multiple controlled substance prescriptions without, for example, having conducted an appropriate prior examination and establishing a medical indication, and that Respondent did not maintain adequate and accurate records, or maintained no records at all, relating to his controlled substance prescribing. *Supra* sections II and III.C.1; *e.g.* Tr. 296–324, 355–58, 374–80, 420–27, 490–91, 473–75.[34] In addition, as already discussed, the Agency finds that Respondent's case, including his arguments, three admitted exhibits, and challenges to the Government's evidence, does not rebut this substantial record evidence. *Supra* sections III.B. and III.C.2. Accordingly, the Agency concludes that Respondent issued multiple controlled substance prescriptions other than for a legitimate medical purpose while acting in the usual course of professional practice, prescribed controlled substances without an appropriate prior examination and a medical indication, and failed to maintain adequate and accurate records relating to the provision of services, thus committing multiple violations of California law and, therefore, of federal law. Cal. Health & Safety Code § 11153(a), Cal. Bus. & Prof. Code § 2242(a), Cal. Bus. & Prof. Code § 2266, 21 CFR 1306.04(a); *supra* sections II and III.C.1; *see also* RD, at 7–10, 14–15, 20–21, 24–26, 28–29. Substantial record evidence of any one of the founded violations is sufficient for the Agency to revoke Respondent's registration.

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) and 823(g)(1)(B) and (D).[35]

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[31] Improved medical recordkeeping is insufficient to resolve all of the OSC's allegations.

[32] 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.

[33] Neither Respondent nor the Government argues that he/it offered evidence relevant to Factors A, C, or E. Although the Agency considered Factors A, C, and E, it finds that they are not relevant to this adjudication. *Accord* RD, at 16.

[34] Indeed, Respondent admitted maintaining inadequate medical records. *Supra* n.11 (Respondent ''concedes that there were issues with his recordkeeping but argues that he did in fact conduct appropriate medical evaluation [sic], testing, and monitoring to justify the high dosages of controlled substances that he prescribed.'') This admission does not constitute an unequivocal acceptance of responsibility. *Infra* section V.

[35] Given the egregiousness and number of these violations, violations that go to the core of the Controlled Substances Act's purpose to ''conquer drug abuse and to control the legitimate and illegitimate traffic in controlled substances,'' the Agency is adjudicating only the OSC allegations of issuing controlled substance prescriptions beneath the applicable standard of care and outside the usual course of professional practice, and is not reaching the other OSC allegations. *Gonzales* v. *Oregon,* 546 U.S. 243, 269 (2006). While the Agency is adjudicating a subset of the OSC's allegations, each of them, alone, is sufficient to support revocation of Respondent's registration.

V. 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 at 830; *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 (citing authority including *Alra Labs., Inc.* v. *Drug Enf't Admin.,* 54 F.3d 450, 452 (7th Cir. 1995) (''An agency rationally may conclude that past performance is the best predictor of future performance.''). ''[T]hat consideration is vital to whether continued registration is in the public interest.'' *MacKay* v. *Drug Enf't Admin.,* 664 F.3d 808, 820 (10th Cir. 2011). 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, 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 at 46972–73.

Regarding these matters, Respondent did not testify, and there is no indication in the record that Respondent takes responsibility, let alone unequivocal responsibility, for the founded, egregious violations involving his controlled substance prescribing.[36] *Supra* sections II, III.C, and IV; *cf. Osmin A. Morales,* 88 FR 75,309, 75,311–12. Instead, Respondent's case consists of one baseless or irrelevant argument after another, often seemingly to deflect attention away from his unlawful controlled substance prescribing. *E.g.* Tr. 672–73 (Respondent's closing argument statements that he used CURES to ''check[ ]'' whether a patient is ''taking medications . . . prescribed to him'' and that the ''dozens, if not hundreds of these CURES printouts'' show that Respondent ''was carefully monitoring the medication that the patients were taking and carefully issuing prescriptions and making sure patients were taking the drugs at the right time and in the correct quantities'');[37] RD, at 37 (''Despite Respondent's efforts at misdirection, the evidence is overwhelming that Respondent prescribed high-dosage opioids . . . and other powerful controlled substances, without a medical diagnosis to justify the prescription—there was, *inter alia,* no meaningful medical or mental health history taken, no adequate physical examination conducted, and no pain management plan recorded.'').

The interests of specific and general deterrence weigh in favor of revocation. Respondent has not convinced the Agency that he understands that his controlled substance prescribing fell short of the applicable standard of care, and that substandard controlled substance prescribing has serious negative ramifications for the health, safety, and medical care of individuals who come to him for medical treatment. *See, e.g., Garrett Howard Smith, M.D.,* 83 FR at 18910 (collecting cases) (''The egregiousness and extent of the misconduct are significant factors in determining the appropriate sanction.''). As such, it is not reasonable to believe that Respondent's future controlled substance prescribing will comply with legal requirements. Indeed, Respondent's own actions suggest that he has no intention of complying fully with the CSA and the California standard of care in the future. Tr. 537–38 (Respondent inexplicably suggesting that he ''did nothing wrong'' after his medical records improved).

Further, given the foundational nature and vast number of Respondent's violations, 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, the Agency shall order the sanction the Government requested, 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)(4), I hereby revoke DEA registration No. BB4591839 issued to David Bockoff, M.D. 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 application of David Bockoff, M.D., for a DEA Registration in California. This Order is effective March 12, 2025.

Signing Authority

This document of the Drug Enforcement Administration was signed on February 3, 2025, by Acting Administrator Derek Maltz. 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.

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[36] Respondent's admitting ''issues with his recordkeeping'' is not accepting responsibility, let alone unequivocally accepting responsibility. *Supra* n.34.

[37] CURES only shows that a controlled substance prescription was filled. It does not show what then happened to the pills in that filled controlled substance prescription.

LIBRARY OF CONGRESS

U.S. Copyright Office

[Docket No. 2025–1]

Issues Related to Performing Rights Organizations

AGENCY: U.S. Copyright Office, Library of Congress.

ACTION: Notice of inquiry.

SUMMARY: The U.S. Copyright Office is collecting information regarding issues related to performance rights organizations (''PROs'') and the Copyright Act's public performance right for musical works. It is initiating this inquiry at Congress's request to gather information on questions related to the increase in the number of PROs and the licensing revenue distribution practices of PROs.

DATES: Written comments must be received no later than 11:59 p.m.

Eastern Time on April 11, 2025. Written reply comments must be received no later than 11:59 p.m. Eastern Time on May 27, 2025.

ADDRESSES: For reasons of governmental efficiency, the Copyright Office is using the *regulations.gov* system for the submission and posting of public comments in this proceeding. All comments are therefore to be submitted electronically through *regulations.gov.* Specific instructions for submitting comments are available on the Copyright Office's website at *https://copyright.gov/policy/pro-issues/.* If electronic comment submission is not feasible due to lack of access to a computer or the internet, please contact the Copyright Office using the contact information below for special instructions.

FOR FURTHER INFORMATION CONTACT: Rhea Efthimiadis, Assistant to the General Counsel, by email at *meft@copyright.gov* or telephone at 202–707–8350.

SUPPLEMENTARY INFORMATION:

I. Background

a. Public Performance Right for Musical Works and the Formation of PROs

Musical work copyright owners (*e.g.,* songwriters or music publishers) have enjoyed the exclusive right to perform their works publicly since 1897.[1] The variety of ways those works are performed, however, has created practical challenges associated with the licensing of the right. As one court summarized the issue:

> The users of music, such as theaters, dance halls and bars, were so numerous and widespread, and each performance so fleeting an occurrence, that no individual copyright owner could negotiate licenses with users of his music, or detect unauthorized uses. On the other side of the coin, those who wished to perform compositions without infringing the copyright were, as a practical matter, unable to obtain licenses from the owners of the works they wished to perform.[2]

Performing rights organizations (''PROs'') were established to address these challenges. Broadly, a PRO contracts with songwriters and publishers for the authority to license the public performance rights in their musical works, and then provides collective licenses of those rights to users, allowing them to publicly perform the works in the PRO's repertoire.[3] Such licenses are significantly more efficient for businesses, songwriters, and publishers when compared to song-by-song licensing and enforcement.[4]

b. Evolution of the U.S. PRO Market and Their Competition for Members

After a long period of stability, the number of PROs in the United States has increased in recent years. The first U.S. PRO was ASCAP, established in 1914, followed by SESAC in 1931 and BMI in 1939.[5] More recently, three new PROs have been formed: Global Music Rights (or ''GMR'') in 2013, PRO Music Rights in 2018, and AllTrack in 2019.[6]

These organizations compete with each other for songwriter and publisher members through the license terms and programs they offer.[7] As the Office has previously recognized, ''[s]ongwriters and publishers have highlighted the importance of the existence of multiple PROs in the music marketplace, indicating that they carefully choose the PRO with which they affiliate based on their perception of which organization will bring them the most benefit.'' [8] PROs offer different royalty rates to their members based on several factors, including: the number of licensees paying royalties; the rates charged to those licensees; [9] the administrative fee charged for the PRO's services; the PRO's for-profit or not-for-profit status; [10] and the methodologies used for

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[1] Act of Jan. 6, 1897, ch. 4, 29 Stat. 481; *see also* 17 U.S.C. 106(4).

[2] *Columbia Broad. Sys., Inc.* v. *Am. Soc'y of Composers, Authors and Publishers* (''ASCAP''), 400 F. Supp. 737, 741 (S.D.N.Y. 1975), *rev'd sub nom. Columbia Broad. Sys., Inc.* v. *ASCAP,* 562 F.2d 130 (2d Cir. 1977), *rev'd sub nom. Broad. Music, Inc.* (''BMI'') v. *Columbia Broad. Sys., Inc.,* 441 U.S. 1 (1979); *see also Columbia Broad. Sys., Inc.,* 441 U.S. at 5 (describing how ''as a practical matter it was impossible for the many individual copyright owners to negotiate with and license [the public performance right to] users and to detect unauthorized uses'' of musical works).

[3] *See* Donald S. Passman, All You Need to Know About the Music Business 230–31 (11th ed. 2023) (''Passman''); *see also* Makan Delrahim, Ass't Att'y Gen., Antitrust Div., U.S. Dep't of Just., Statement of the Dep't of Just. on the Closing of the Antitrust Div.'s Rev. of the ASCAP and BMI Consent Decrees 1 (Jan. 15, 2021) (''Antitrust 2021 Closing Statement''), *http://www.justice.gov/atr/page/file/1355391/dl.*

[4] *See* U.S. Copyright Office, Copyright and the Music Marketplace 112 (2015) (''Music Marketplace Report''), *https://www.copyright.gov/policy/musiclicensingstudy/copyright-and-the-music-marketplace.pdf.*

[5] Since 1941, ASCAP and BMI have been subject to separate ''consent decrees'' that restrict their licensing practices and related operations. *See id.* at 34–42 (discussing consent decrees). The Office notes that the Department of Justice's Antitrust Division evaluates and oversees these consent decrees, and antitrust issues are outside the scope of this Notice of Inquiry.

[6] *See* Bruce Pollock, A Friend in the Music Business: The ASCAP Story 14 (2014) (''Pollock''); BMI, *BMI's Timeline Through History, https://www.bmi.com/about/history* (last visited Jan. 22, 2025); GMR, *About Us, https://globalmusicrights.com/about* (last visited Jan. 22, 2025); SESAC, *About Us, https://www.sesac.com/about/* (noting that Paul Heinecke founded SESAC in February 1931) (last visited Jan. 22, 2025); Marc Schneider, GMR, *About Us, https://globalmusicrights.com/about* (last visited Jan. 22, 2025); InsideRadio, *Upstart Music Licensing Company Pro Music Rights Goes Public* (July 22, 2022), *https://www.insideradio.com/free/upstart-music-licensing-company-pro-music-rights-goes-public/article_764bb32e-0987-11ed-9d35-ebdda2accc56.html; see also* Pollock at 40 (identifying SESAC's founding as 1930); Jason Lipshutz, *SESAC at 80,* The Hollywood Reporter (Apr. 13, 2010), *https://www.hollywoodreporter.com/business/business-news/sesac-80-22598/* (noting that ''SESAC was founded in 1930 as a means of securing American royalties for European publishers,'' but that ''SESAC quickly expanded to include American music and began signing songwriters in 1970''). This is not necessarily an exhaustive list, including because other PROs have ceased operations. *See, e.g.,* Pollock at 7 (noting that the French PRO, SACEM, opened a U.S. branch in 1911, but ''failed to generate a spark of interest''); Robert Israel Goodman, Comment, *Music Copyright Associations and the Antitrust Laws,* 25 Ind. L.J. 168, 170 (1950) (referencing former PROs, such as the Society of Jewish Composers and Israel Composers, Authors, and Publishers, Inc.).

[7] Nonmonetary ways by which PROs may compete include their educational, creative, and promotional offerings, such as showcases, performance opportunities at festivals and conferences, or panels or ''songwriting awards, professional workshops, hands-on tutorials, and networking events.'' Pollock at 2; BMI, *BMI Member FAQs, https://www.bmi.com/faq/category/about* (last visited Jan. 22, 2025) (discussed under header ''What extra services does BMI offer to members?''); *see also* Susan P. Butler, Collective Rights Management Practices Around the World 20–21 (Apr. 2020), *https://www.copyright.gov/policy/unclaimed-royalties/cmo-full-report.pdf* (''Some CMOs [collective rights management organizations, a term which includes PROs] perform certain educational activities as ways to compete with other CMOs for members or to provide a better service to their own members. Some CMOs produce creative conferences or host songwriter 'camps' to share information or promote creative collaborations.'').

[8] Letter from U.S. Copyright Office to the Honorable Doug Collins, Vice-Chairman, Subcommittee on Courts, Intellectual Property and the internet, United States House of Representatives 26 (Jan. 29, 2016) (''Fractional Licensing Letter''), *https://copyright.gov/policy/pro-licensing.pdf.*

[9] *See* Passman at 230, 235–36 (discussing PROs bargaining power with licensees); William Livingston, General Manager, Gemeny Winery and Vineyards LLC, Statement in Response to the Dep't of Just.'s Request for Public Comments Concerning the ASCAP and BMI Consent Decrees 1 (June 21, 2019), *https://media.justice.gov/vod/atr/ascapbmi2019/pc-300.pdf* (noting that ''[a]ll three companies 'ASCAP, BMI and SESAC' give us different rates to pay . . . .''); Ray Waddell, *The $300 Million Comeback: Irving Azoff Teams With MSG's James Dolan to Create Intriguing Music Company,* Billboard (Sept. 6, 2013), *https://www.billboard.com/music/music-news/the-300-million-comeback-irving-azoff-teams-with-msgs-james-dolan-to-5687155/* (reflecting that SESAC is able to charge higher rates than ASCAP and BMI).

[10] While both ASCAP and BMI were not-for-profit organizations for many decades, ASCAP is now the only PRO operating on a not-for-profit basis. ASCAP, ASCAP Annual Report 2023 2 (2024), *https://www.ascap.com/~/media/site-pages/annual-report/2023/2023-ascap-annual-report.pdf; see also* Mike O'Neill, *Quarterly Distribution Update,* BMI (Feb. 2023), *https://www.bmi.com/distribution/letter/587887* (reflecting BMI's first distribution as a for-profit business).

royalty calculations, which may provide higher payments based on the relative commercial value of a musical work.[11]

c. PROs' Licensing Practices

PROs provide licenses for a wide variety of performances, including ''terrestrial, satellite, and internet radio, on-demand music streaming services, website and television uses, . . . bars, restaurants, and other commercial establishments, and live performances,'' [12] as well as uses by more niche businesses, such as roller rinks [13] and laser shows.[14] They generally offer different license rates depending on the type of business or use being licensed. ''For example, rates for restaurants, nightclubs, bars and similar establishments depend on whether the music is live or recorded, [is] audio only or audio visual, the number of nights per week music is offered, whether admission is charged and several other factors.'' [15]

A standard practice for PROs is to offer licenses on a non-exclusive basis, which means that businesses have the option of obtaining performance licenses directly from publisher or songwriter copyright owners, although it appears that instances of such direct licensing has been infrequent.[16] Most licensees that contract with PROs obtain a blanket license [17] to all works, or shares of works, in the PRO's repertoire.[18] The royalty fee charged is ''ordinarily a percentage of . . . [the licensee's] revenues or a flat dollar amount.'' [19]

As previously described by the Office, ''the practice of licensing only partial interests in co-owned works'' is called ''fractional'' licensing and stands in contrast to ''100-percent'' licensing, which entails ''granting full rights to use a co-owned work based upon a partial interest in the work.'' [20] Because musical works are frequently created by multiple authors (*i.e.,* songwriters, including composers and lyricists),[21] co-ownership issues can play an important role when licensing musical works. Depending on the circumstances of their creation, musical works with multiple authors may be considered joint works.[22] While the default rule is that joint authors own equal and undivided interests in a copyright-protected work,[23] musical work joint authors often agree to alter that rule, including to instead divide the ownership shares unequally and to permit separate licensing of those shares.[24]

Fractional licensing is often cited by licensees as a cause of administrative frustration and increased costs.[25] For example, if a musical work has multiple songwriters and publishers who have authorized different PROs to license their separate fractional interests, then any PRO's ability to offer a license is limited to the fractional interests that the PRO has obtained.[26] In that case, the entity that intends to publicly perform a particular musical work must confirm that it has obtained a license for all of the fractional interests in the work, which may require licenses from multiple PROs.[27] Otherwise, that user ''may face infringement liability'' for publicly performing the work.[28]

While the practice of fractional licensing has caused frustrations for some licensees, it has encouraged competition among the different PROs for songwriters and publishers.[29] The Office previously noted that if PROs were forced to offer 100-percent licenses, doing so ''would seemingly vitiate important principles of copyright law, interfere with creative collaborations among songwriters, negate private contracts, . . . impermissibly expand the reach of the consent decrees,'' and ''could also severely undermine the efficacy of [PROs]'' and their ability to ''grant blanket licenses.'' [30]

Information regarding what works are covered by a PRO's blanket license is not always publicly available. The largest U.S. PROs do publicly disclose the works in their respective repertoires.[31] For example, in 2020, ASCAP and BMI debuted ''SONGVIEW,'' an online ''joint song data platform,'' that ''reconcile[s] songwriter and publisher information'' between those two PROs.[32] If a musical

[11] *See* Passman at 234–35 (noting that PROs ''change their distribution rules on a regular basis'' and certain performance bonuses ''also affect the results'' of those distributions); *see also, e.g.,* ASCAP, *ASCAP's Survey and Distribution System: Rules & Policies* (Oct. 2022), *https://www.ascap.com/~/media/files/pdf/members/governing-documents/ascap-survey--distribution-rules--10322.pdf;* BMI, *How We Pay Royalties: Live Concert Royalties, https://www.bmi.com/creators/royalty/live_concert_royalties* (last visited Jan. 22, 2025).

[12] Music Marketplace Report at 150.

[13] ASCAP, *ASCAP Music License Agreements and Reporting Forms, https://www.ascap.com/music-users/licensefinder* (listing twenty-six separate license agreements) (last visited Jan. 22, 2025).

[14] BMI, *Music License Agreements and Reporting Forms, https://www.bmi.com/licensing/forms* (listing fifty separate license agreements) (last visited Jan. 22, 2025).

[15] BMI, *Music Licensing FAQs, https://www.bmi.com/licensing/faqs* (click on ''Q: How much is a BMI music license and how is that fee determined?'') (last visited Jan. 22, 2025).

[16] *See BMI* v. *Pandora Media, Inc.,* 140 F. Supp. 3d 267, 275 (S.D.N.Y. 2015).

[17] Music Marketplace Report at 33. PROs may offer other license types, including per-program or per-segment licenses. *Id.*

[18] A PRO's ''repertoire'' or ''repertory'' is sometimes called its ''catalog.'' *See* GMR, *Catalog Homepage, https://globalmusicrights.com/Catalog* (last visited Jan. 22, 2025).

[19] *Columbia Broad. Sys., Inc.,* 441 U.S. at 5; *United States* v. *ASCAP,* 627 F.3d 64, 68 (2d Cir. 2010) (''A blanket license is a license that gives the licensee the right to perform all of the works in the repertory for a single stated fee that does not vary depending on how much music from the repertory the licensee actually uses.'').

[20] Fractional Licensing Letter at 1–2.

[21] As the Office has previously reported, in addition to multiple songwriters who may work on a single work, a ''song may incorporate samples of, or remix, preexisting works'' owned by additional copyright owners. *Id.* at 8–9.

[22] *See id.* at 4–8. In some circumstances, the work may be considered a derivative work or compilation. *Id.*

[23] 17 U.S.C. 201(a) (''The authors of a joint work are coowners of copyright in the work.''); *see also* Fractional Licensing Letter at 6–7 (discussing this topic further).

[24] Fractional Licensing Letter at 9. When signing a standard publishing contract, a songwriter will ''assign[ ] the entirety of his or her copyright interest in a composition or catalog of compositions to a publisher in exchange for the publisher's administrative services and a share of revenues,'' but the songwriter will retain the ability to collect his or her share of royalties directly from their chosen PRO. *Id.* at 11.

[25] *See, e.g.,* Brief of Television Music License Committee as Amici Curiae Supporting Appellant at 28, *United States* v. *BMI,* 720 F. App'x 14 (2d Cir. 2017) (No. 16–3830) (suggesting that fractional licensing would be ''costly'' and ''time consuming'' for local broadcasters); Brief for Consumer Action and Public Knowledge as Amici Curiae Supporting Appellant at 3, *United States* v. *BMI,* 720 F. App'x 14 (2d Cir. 2017) (No. 16–3830) (stating that fractional licensing makes it ''harder and more expensive for music services to license songs'').

[26] *See* Fractional Licensing Letter at 10–15.

[27] *United States* v. *BMI,* 207 F. Supp. 3d 374, 375 (S.D.N.Y. 2016), *aff'd,* 720 F. App'x 14 (2d Cir. 2017) (summary order) (''a music user, before performing any multi-owner work in a PRO's repertory, would need a license to [all] the fractional interests held by each of the work's co-owners'').

[28] Fractional Licensing Letter at 9; *see also Columbia Broad. Sys., Inc.,* 441 U.S. at 18 (''Those who would use copyrighted music in public performances must secure consent from the copyright owner or be liable at least for the statutory damages for each infringement and, if the conduct is willful and for the purpose of financial gain, to criminal penalties.'').

[29] Fractional Licensing Letter 19, 23–25.

[30] *Id.* at 3, 13.

[31] *See* ASCAP, *ASCAP Repertory Search, https://www.ascap.com/repertory* (last visited Jan. 22, 2025); BMI, *SONGVIEW, https://repertoire.bmi.com/* (last visited Jan. 22, 2025); SESAC, *Search Repertory, https://www.sesac.com/repertory/* (last visited Jan. 22, 2025) (including a link to download SESAC's entire repertory); GMR, *Catalog Homepage, https://globalmusicrights.com/Catalog* (last visited Jan. 22, 2025); *see also* GMR, *Request Full Catalog, https://globalmusicrights.com/CatalogRequest* (last visited Jan. 22, 2025).

[32] Ed Christman, *Who Owns That Song? ASCAP & BMI's New Joint Data Platform Will Tell You,* Billboard (Dec. 21, 2020), *https://www.billboard.com/pro/ascap-bmi-joint-database-songview/.*

work's rights are not fully licensed by ASCAP and BMI, SONGVIEW will indicate what percentage of rights are outside the control of these two PROs and may also indicate which other PROs control the remaining rights.[33] Two other PROs, SESAC and GMR, provide web pages dedicated to their respective repertoires along with the option to acquire their repertoire information in bulk.[34]

Nevertheless, the information in these databases and websites may include inaccuracies as a result of changes in the PRO's membership [35] and the fact that some data is provided by third parties, including songwriters and publishers.[36] The largest U.S. PROs disclose this fact, disclaiming any guarantees or warranties.[37] At the same time, some PROs represent that they will not bring litigation against those relying in good faith on their publicly available repertoire data.[38]

d. PROs' Usage Tracking and Royalty Distribution Practices

To accurately distribute royalties, PROs must track the musical works performed by their licensees. This may be based on licensee- or artist-based reporting (including by providing playlists, program guides, cue sheets, or setlists).[39] It also may involve the PRO's monitoring of performances on certain mediums, such as on broadcast or cable television or terrestrial or satellite radio.[40]

In certain circumstances, accurate usage data may be unavailable or economically inefficient to obtain. PROs may then rely on proxy data to estimate usage.[41] This proxy data may come from a census (where a ''complete count[ ] of performances in a medium'' has been made) or sample surveys (where the PRO ''tak[es] a representative cross-section of the performances on [a] medium'').[42]

In addition to the number of times a musical work has been performed, other factors affect the royalties that a PRO distributes to its members. As noted above, a PRO may charge different rates based on the category of use (*e.g.,* terrestrial and satellite radio, television, cable, audiovisual streaming services, audio streaming services, concert venues, etc.).[43] Additional distinctions may be made within any of these categories of uses, *e.g.,* the royalty for musical works performed on a television program may depend on whether the use was on local or network television or used as a featured performance, theme song, or background music (or underscore).[44] In some circumstances, PROs may also distribute royalty bonuses for hit songs or popular standards.[45]

With respect to live performances at larger venues, some PROs have historically only paid royalties for those musical works performed at the top-grossing tours and festivals.[46] For

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[33] *See* Inside Radio, *ASCAP, BMI Launch Music Data Platform With Copyright Info For Millions of Songs* (Dec. 21, 2020), *https://www.insideradio.com/free/ascap-bmi-launch-music-data-platform-with-copyright-info-for-millions-of-songs/article_b3e0b200-43ab-11eb-ba27-13dee78eb249.html* (''[I]f a song is reconciled in Songview between ASCAP and BMI and there are shares from another PRO involved in the work, such as SESAC or GMR, then the system will list those shares as 'Other' or will reflect that the ASCAP and BMI shares don't add up to 100%. In addition, writer affiliations are displayed and there is also an indication that there are non-ASCAP and BMI publishers involved with that work.'').

[34] SESAC, *Search Repertory, https://www.sesac.com/repertory/* (last visited Jan. 22, 2025) (including a link to download SESAC's entire repertory); GMR, *Catalog Homepage, https://globalmusicrights.com/Catalog* (last visited Jan. 22, 2025); GMR, *Request Full Catalog, https://globalmusicrights.com/CatalogRequest* (last visited Jan. 22, 2025).

[35] Songwriters can leave ASCAP and BMI every two years. ASCAP, Compendium of ASCAP Rules and Regulations, and Policies Supplemental to the Articles of Association sec. 1.11.1 (Aug. 14, 2023), *https://www.ascap.com/~/media/files/pdf/members/governing-documents/ascap-compendium.pdf;* BMI, *Affiliation Agreement Info, https://www.bmi.com/creators/agreement* (last visited Jan. 22, 2025).

[36] *See, e.g.,* ASCAP, *ASCAP Repertory Search—Terms of Use Agreement, https://www.ascap.com/help/legal/ace-terms-of-use* (noting that ''information contained in ASCAP Repertory Search has been supplied to ASCAP, and is aggregated from, a variety of third party sources'') (last visited Jan. 22, 2025).

[37] *Id.* (noting that information in ASCAP's database ''changes on a continual basis, and as with any information database, there may be inaccuracies or delays in updating the information'' and including a disclaimer related to use of its database); BMI, *Disclaimer, https://repertoire.bmi.com/Main/DisclaimerOnly* (''BMI has high confidence in the accuracy of the data we provide, which is obtained from rights holders who, as royalty recipients, have every incentive to provide reliable data,'' though ''BMI cannot give a blanket guarantee regarding the accuracy of the data . . . .'') (last visited Jan. 22, 2025); BMI, *Terms and Conditions of Use, https://www.bmi.com/legal/entry/terms_and_conditions_of_use* (noting that ''[t]he information contained in the BMI Searchable Song Title Databases have been provided to BMI from a variety of sources, and BMI makes no warranties or representations whatsoever with respect to the accuracy or completeness of the information in the BMI Searchable Song Title Databases other than to determine what musical compositions are licensed by BMI through the last update'' and ''BMI does not warrant or represent that any BMI content that you may access at or through a BMI site or service is current, accurate or complete'') (last visited Jan. 22, 2025); SESAC, *Search Repertory, https://www.sesac.com/repertory/* (''As search results will contain information provided to SESAC by the songwriters and publishers that SESAC represents, SESAC makes no representations and/or warranties with respect to the accuracy or completeness of the information found within the search results, though SESAC has no reason to believe that the information found within the search results is inaccurate or incomplete.'' (text displayed in a pop-up window)) (last visited Jan. 22, 2025); GMR, *Terms of Use, https://globalmusicrights.com/TermsOfUse* (''The information contained in the [GMR] Database changes on a continual basis, and as with any information database, there may be inaccuracies or delays in updating the information. Although [GMR] uses reasonable efforts to update the [GMR] Database and improve the accuracy of the information contained therein, [GMR] makes no guarantees, warranties or representations of any kind with regard to and cannot ensure the accuracy, completeness, timeliness, quality or reliability of any information made available on and through the [GMR] Database.'') (last visited Jan. 22, 2025).

[38] BMI, *Disclaimer, https://repertoire.bmi.com/Main/DisclaimerOnly* (''Businesses that take out a BMI license can be assured that BMI will not bring an infringement action against a licensee that relies on the information contained in the data platform. . . . Additionally, BMI will not sue an individual or business for infringement for the performance of music in which BMI has an interest if, when that music is performed, it was not listed in the data platform.'') (last visited Jan. 22, 2025); GMR, *Request Full Catalog, https://globalmusicrights.com/CatalogRequest* (''Global Music Rights will not sue anyone for copyright infringement for performances of these compositions unless they appear in this catalog at the time of performance.'') (last visited Jan. 22, 2025); SESAC, *Search Repertory, https://www.sesac.com/repertory/* (''SESAC uses reasonable efforts to keep the information contained in its repertory database current and will grant Users of this Repertory Search a forty-five (45) day grace period beginning upon the date that a musical work is first posted to SESAC's repertory database to obtain from SESAC a license covering the use of that musical work, during which forty-five (45) day period SESAC will make no claims of copyright infringement against the User; provided, however, that the User has acted in good faith and was unaware that the musical work is contained within SESAC's repertory.'') (text displayed in a pop-up window)) (last visited Jan. 22, 2025).

[39] *See, e.g.,* Bob Kohn, Kohn on Music Licensing 1241–42 (5th ed. 2019); Passman at 232–34; ASCAP, *ASCAP Payment System: Identifying Performances, https://www.ascap.com/help/royalties-and-payment/payment/identifying* (last visited Jan. 22, 2025).

[40] *See* Passman at 233–34.

[41] *Id.* at 233; BMI, *How We Pay Royalties, https://www.bmi.com/creators/royalty/general_information* (''[I]n cases where performance data is not available or is incomplete for any of the sources from which BMI collects fees, BMI may distribute those fees against performances from a source or sources where sufficient data is available.) (last visited Jan. 22, 2025).

[42] ASCAP, *Royalties and Payment: Frequently Asked Questions, https://www.ascap.com/help/royalties-and-payment* (last visited Jan. 22, 2025).

[43] *See generally,* ASCAP, *ASCAP's Survey and Distribution System: Rules & Policies* (Oct. 2022), *https://www.ascap.com/~/media/files/pdf/members/governing-documents/ascap-survey--distribution-rules--10322.pdf.*

[44] Jeffery Brabec & Todd Brabec, Music, Money, and Success: The Insider's Guide to Making Money in the Music Business 388–91, 397–400 (8th ed. 2018) (''Brabec'') (providing an overview of television royalty payment formulas for ASCAP and BMI).

[45] *Id.* at 357; *see also* Passman at 234 (reflecting that PROs may pay bonuses for popular songs).

[46] Brabec at 394 (noting that ''ASCAP conducts a census survey (100% pickup) of all songs performed in the 300 largest concert tours and festivals in the United States, as well as all songs at a dozen or so selected venues . . . .''); Passman at 234 (''The societies pay based on domestic concert performances, but it's only for the top three

smaller venues, some PROs allow performers to self-report performance data, which is used by the PROs to calculate royalty distributions.[47]

PROs have created royalty calculation and distribution policies to account for all the elements they consider when paying their members.[48] While some may publish aspects of these policies, information regarding any individual PRO's financial operations, including license and royalty distribution terms, may not be publicly available for competitive reasons.

II. Congressional Request and Subjects of Inquiry

In September 2024, the Copyright Office received a letter from three members of the House Judiciary Committee relaying concerns over (1) the increase of PROs and (2) difficulties regarding how to ''assess how efficiently PROs are distributing general licensing revenue, based on publicly available data.'' [49] The term '''[g]eneral licensee' is an umbrella term referring to the hundreds of thousands of bars, restaurants, hotels, ice and roller skating rinks, theme parks and other 'brick and mortar' businesses . . . that are not TV, radio or audio and audio-visual streaming platforms.'' [50] The letter asked the Office to gather information regarding these issues. With this notice, the Office is soliciting input to aid Congress's consideration of these issues and invites written comments on the subjects of inquiry below.

A. The Increase in PROs

The Congressional Request states that bars, restaurants, stores, hotels, and music venues engaged in the public performance of musical works ''have reported receiving demands for royalties from new entities claiming to represent songwriters, and threatening litigation if the demands are not met.'' [51] It adds that, ''[c]onsidering that the possibility of substantial statutory copyright damages poses an existential risk for most bars, restaurants, and other small businesses, many feel compelled to pay these entities on top of what they already pay for blanket licenses from the traditional PROs.'' [52]

The Office is requesting public comment on the following topics:

1. To what extent, if any, have there been increased financial and administrative costs imposed on licensees associated with paying royalties to additional PROs;
2. Factors that may be contributing to the formation of new PROs; and
3. Recommendations on how to improve clarity and certainty for entities seeking to obtain licenses from PROs to publicly perform musical works.

B. General Licensing Revenue Distribution Methods

With respect to concerns regarding revenue distribution, the Congressional Request states that ''it is difficult to assess how efficiently PROs are distributing general licensing revenue based on publicly available data,'' including ''how accurately lesser known and independent artists as well as smaller publishers are being compensated compared to widely popular artists and major publishers.'' [53]

The Office is requesting public comment on the following topics:

4. How PROs currently gather information concerning musical works publicly performed at live music venues, on music services (*e.g.,* digital music providers), and by other general licensees (including bars, restaurants, stores, hotels, and similar venues);
5. Whether the manner in which the PROs gather information regarding public performances adversely impacts lesser-known artists and smaller publishers;
6. What information PROs currently provide to the public, including with respect to:

(a) repertoire information and metadata (*e.g.,* song titles, songwriter and publisher information, ownership shares, and unique identifiers); and

(b) royalty distribution practices and policies;

7. Whether any gaps or discrepancies occur in royalty distributions, including circumstances where it is likely for performance data to be unavailable or incomplete and where PROs must rely on proxy or survey data for royalty distributions;
8. What technological and business practices exist or could be developed to improve the current systems for usage tracking and royalty distribution;
9. The extent to which current PRO royalty distribution practices are the result of existing legal and regulatory constraints; and
10. Additional recommendations for Congress to address these issues.

Dated: February 5, 2025.

Suzanne V. Wilson,

General Counsel and Associate Register of Copyrights.

[FR Doc. 2025–02418 Filed 2–7–25; 8:45 am]

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hundred grossing tours and festivals . . . .''); *see also* Jeffery Brabec & Todd Brabec, Music, Money, and Success: The Insider's Guide to Making Money in the Music Business 339 (7th ed. 2011) (noting that the census survey was formerly of the ''top 200'' tours and ''eleven major venues'').

[47] Brabec at 394 (referencing ASCAP's OnStage program); *see also* BMI, *Get Paid for Live Performances with BMI Live, https://www.bmi.com/special/bmi_live* (last visited Jan. 22, 2025).

[48] *See, e.g.,* ASCAP, *ASCAP's Survey and Distribution System: Rules & Policies* (Oct. 2022), *https://www.ascap.com/~/media/files/pdf/members/governing-documents/ascap-survey--distribution-rules--10322.pdf;* BMI, *Royalty Information, https://www.bmi.com/creators#royaltyinformation* (providing higher-level royalty calculation information) (last visited Jan. 22, 2025).

[49] Letter from Reps. Jordan, Issa, and Fitzgerald to Shira Perlmutter, Register of Copyrights, U.S. Copyright Office at 1–2 (Sept. 11, 2024) (''Congressional Request''), *https://www.copyright.gov/policy/pro-issues/letter-to-usco-pro-issues.pdf.*

[50] ASCAP, *Why ASCAP Licenses Bars, Restaurants & Music Venues, https://www.ascap.com/help/ascap-licensing/why-ascap-licenses-bars-restaurants-music-venues* (last visited Jan. 22, 2025).

[51] Congressional Request at 1–2.

[52] *Id.* at 2.

[53] *Id.*

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

The National Science Board (NSB) hereby gives notice of the scheduling of meetings for the transaction of National Science Board business pursuant to the National Science Foundation Act and the Government in the Sunshine Act.

TIME AND DATE: Tuesday, February 11, 2025, from 11:00 a.m.–1:15 p.m. Eastern.

PLACE: The meetings will be held at NSF headquarters, 2415 Eisenhower Avenue, Alexandria, VA 22314, and by videoconference.

STATUS: The meetings will be closed to the public. See the full description below.

MATTERS TO BE CONSIDERED:

Tuesday, February 11, 2025

Plenary Board Meeting

Closed Session: 11:00 a.m.–11:40 a.m.

- Chair's Opening Remarks
- Committee/Commission Reports
  - Committee on Awards and Facilities
  - National Radio Astronomy Observatory Discussion and Vote
  - Context Item: Mid-scale Research Infrastructure Track 1 Portfolio
  - Context Item: National Geophysical Facility Operations and Maintenance award
  - NSB–NSF Commission on Merit Review
  - Overview of Revised Commission Report and Discussion
- Vote to Enter Executive Closed Session

Plenary Board Meeting

Executive Closed Session: 11:45 a.m.–1:15 p.m.

- Chair's Remarks
- 2025 Honorary Awards Discussion, Vote
- Preparing for possible NSB leadership transition, including Status of Board Initiatives

Plenary Meeting Adjourns: 1:15 p.m.

Members of the public are advised that the NSB provides some flexibility around start and end times. A session may be allowed to run over by as much as 15 minutes if the Chair decides the extra time is warranted. The next session will start no later than 15 minutes after the noticed start time. If a session ends early, the next meeting may start up to 15 minutes earlier than the noticed start time. Sessions will not vary from the times noticed by more than 15 minutes.

CONTACT PERSON FOR MORE INFORMATION: The NSB Office contact is Christopher Blair, *cblair@nsf.gov,* 703–292–7000. The NSB Public Affairs contact is Nadine Lymn, *nlymn@nsf.gov,* 703–292–2490. Please refer to the NSB website for additional information: *https://www.nsf.gov/nsb.*

Ann E. Bushmiller,

Senior Legal Counsel to the National Science Board.

[FR Doc. 2025–02445 Filed 2–6–25; 11:15 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2024–105; MC2025–1168 and K2025–1168; MC2025–1170 and K2025–1170]

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:* February 12, 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

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* CP2024–105; *Filing Title:* USPS Request Concerning Amendment One to Priority Mail & USPS Ground Advantage Contract 134, with Material Filed Under Seal; *Filing Acceptance Date:* February 4, 2025; *Filing Authority:* 39 CFR 3035.105 and 39 CFR 3041.505; *Public Representative:* Christopher Mohr; *Comments Due:* February 12, 2025.

2. *Docket No(s).:* MC2025–1168 and K2025–1168; *Filing Title:* USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 56 to Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 4, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* February 12, 2025.

3. *Docket No(s).:* MC2025–1170 and K2025–1170; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 612 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* February 4, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Elsie Lee-Robbins; *Comments Due:* February 12, 2025.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2025–02424 Filed 2–7–25; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102342; File No. SR–MRX–2025–05]

Self-Regulatory Organizations; Nasdaq MRX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–MRX–2024–45

February 4, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2025, Nasdaq MRX, LLC (''MRX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delay the implementation of SR–MRX–2024–45,[5] which amended MRX's Options Regulatory Fee (''ORF''). Specifically, the Exchange proposes to delay the new ORF and methodology therein which now will be implemented on June 1, 2025 and sunset on December 1, 2025.[6]

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* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-MRX-2025-05.*

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.[7] 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-2025-05*) or by sending an email to *rule-comments@sec.gov.* Please include file number SR–MRX–2025–05 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–2025–05. 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-2025-05*). 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–MRX–2025–05 and should be submitted on or before March 3, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02385 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f). At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

[5] *See* Securities and Exchange Act Release No. 101891 (Dec. 12, 2024), 89 FR 103017 (Dec. 18, 2024) (SR–MRX–2024–45) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Approach to the Options Regulatory Fee (ORF) in 2025).

[6] On January 13, 2025, the Exchange filed SR–MRX–2025–03. The Exchange withdrew SR–MRX–2025–03 on January 28, 2025 and replaced it with this filing.

[7] 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.

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102336; File No. SR–NASDAQ–2024–065]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change To Amend Equity 4 To Establish Halt Cross Price Protections and Make Other Related Changes

February 4, 2025.

I. Introduction

On November 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 (''Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend Equity 4 to establish halt cross price protections and make other related changes. The proposed rule change was published for comment in the **Federal Register** on November 20, 2024.[3] This order grants approval of the proposed rule change.

II. Description of the Proposed Rule Change

The Exchange proposes to amend its rules to implement halt cross protections to prevent clearly erroneous executions after the reopening of trading and ensure that securities are priced within reasonable levels from their halted price. In addition, the Exchange proposes to establish a ''Hybrid Closing Cross'' and introduce related price protections. To implement the proposed price protections, the Exchange proposes to modify Equity 4 by: (i) adding the proposed halt cross protections to Equity 4, Section 4120, replacing the prior procedures; (ii) adding information about dissemination of Auction Reference Prices and Auction Collars in Nasdaq Rule 4753(a)(3); and (iii) adding rules for a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101620 (Nov. 14, 2024), 89 FR 91853 (''Notice''). The Commission has received no comment letters on the proposed rule change.

modified closing cross in Nasdaq Rule 4754(b)(7).

In addition, the Exchange proposes to make a number of additional related changes in Equity 4, including: (i) removing references to the Limit-Up-Limit-Down (''LULD'') Closing Cross in Nasdaq Rules 4702 and 4755; (ii) clarifying how Auction Reference Prices and Auction Collars are disseminated in Nasdaq Rule 4753(a)(3); (iii) clarifying rule language about cancellation of IOC Orders for halted securities in Nasdaq Rule 4753(e); (iv) specifying that the Nasdaq Closing Cross shall include the LULD Closing Cross and the Hybrid Closing Cross in Nasdaq Rule 4754(a)(6); (v) adding ''NOII'' as an alternative defined term for ''Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(7); (vi) adding ''EOII'' as an alternative defined term for ''Early Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(10); (vii) amending language related to handling of late Limit on Close (''LOC'') Orders [4] in Nasdaq Rule 4754(b)(6); and (viii) modifying the priority for orders participating in the LULD Closing Cross in Nasdaq Rule 4754(b)(6).

Background

The Exchange currently offers price protection mechanisms in most of the auctions it conducts during the normal course of trading (including opening/closing auction, market-wide circuit breaker (''MWCB'') halts,[5] and LULD pauses [6]). The Exchange proposes to implement a new price protection mechanism to the Nasdaq Halt Cross [7] process.[8]

The new price protection mechanism would be similar to what is currently utilized for reopening stocks following an MWCB halt or LULD trading pause, where pre-determined price collars would be built into the halt cross process. The Exchange proposes to establish a threshold of 10% below and above a reference price, within which the price of the stock must fall to reopen.[9] If the price falls outside of those collars after an initial 5-minute display-only period, the collars would be widened by the same threshold amount as the initial collars and a subsequent 5-minute display-only period would commence. If the price falls outside of those collars after the second 5-minute display-only period, the collars would be widened by 20% below and above the reference price and a third 5-minute period would commence. This process would continue (at 20%) until the price falls within the set thresholds, after which the auction would execute and the stock would reopen for trading.[10]

Proposed Changes to Nasdaq Rule 4120 (LULD Plan and Trading Halts)

The Exchange proposes to introduce price protections to the halt cross process that are similar to the protections used today for reopening stocks following an LULD pause and MWCB halt and would ensure that the reopening price is reasonably related to current market conditions. The Exchange proposes to remove the current procedure for terminating certain trading halts provided in Nasdaq Rule 4120(c)(7) and replace with proposed rule language describing the new procedure in proposed Nasdaq Rule 4120(c)(7). The current reopening process does not have a mechanism for calculating price collars and a process for widening the collars if necessary to accommodate buy or sell pressure outside of the collars then in effect.[11]

The introductory language in proposed Nasdaq Rule 4120(c)(7) provides that, a trading halt initiated under Nasdaq Rule 4120(a)(1), (4), (5), (6), (9), (10), (11) or (14) [12] shall be terminated when Nasdaq releases the security for trading. It would also provide that, for any such security listed on Nasdaq, prior to terminating the halt, there would be a 5-minute ''Initial Display Only Period'' during which market participants may enter quotations and orders in that security in Nasdaq systems.[13] According to the Exchange, this is consistent with the process employed for reopening securities following LULD trading pauses.[14] This is also consistent with the process employed for reopening securities following MWCB halts, except that in the case of an MWCB halt, the Initial Display Only Period is 15 minutes in length (as opposed to 5) to coincide with the entire duration of the MWCB halt.[15] In addition, the Exchange explains that the introductory language is consistent with current rule language, with minor revisions. The minor revisions include referencing a ''halt'' rather than both a ''halt or pause'' for clarification and adding a specific defined term of ''Initial Display Only Period'' for the 5-minute period referenced.[16] The types of halts covered by Nasdaq Rule 4120(c)(7) (*i.e.,* trading halt initiated under Nasdaq Rule 4120(a)(1), (4), (5), (6), (9), (10), (11) or (14)) remain unchanged.

Proposed Nasdaq Rule 4120(c)(7)(A) describes the Exchange's proposed process for establishing the ''Auction Reference Price.'' The Auction Reference Price would mean: (a) the Nasdaq last sale price (either round or odd lot); and (b) if there is no Nasdaq last sale price, the prior trading day's Nasdaq Official Closing Price (''NOCP'').[17] The Exchange proposes to use the Nasdaq last sale price [18] (or if none, the NOCP) as this price is reflective of the current market for the

[4] A ''Limit On Close Order'' or ''LOC Order'' is an Order Type entered with a price that may be executed only in the Nasdaq Closing Cross or the LULD Closing Cross, and only if the price determined by the Nasdaq Closing Cross or the LULD Closing Cross is equal to or better than the price at which the LOC Order was entered. *See* Nasdaq Rule 4702(b)(12).

[5] A market-wide circuit breaker is triggered if the price of the S&P 500 Index declines by a specified amount compared to the closing price for the immediately preceding trading day. *See* Nasdaq Rule 4121.

[6] An LULD pause is a trading pause pursuant to the Plan to Address Extraordinary Market Volatility or ''LULD Plan.'' *See https://www.luldplan.com/.*

[7] The ''Nasdaq Halt Cross'' is the process for determining the price at which Eligible Interest shall be executed at the open of trading for a halted security and for executing that Eligible Interest. *See* Nasdaq Rule 4753(a)(4). ''Eligible Interest'' shall mean any quotation or any order that has been entered into the system and designated with a time-in-force that would allow the order to be in force at the time of the Halt Cross. *See* Nasdaq Rule 4753(a)(5).

[8] *See* Notice, *supra* note 3, at 91853–4.

[9] *Id.*

[10] *Id.*

[11] *Id.* at 91854–55.

[12] This covers trading halts related to dissemination of material news for Nasdaq-listed securities (*see* Nasdaq Rule 4120(a)(1)); halts of Nasdaq-listed American Depository Receipts or other Nasdaq-listed securities where underlying securities are halted by foreign markets or regulators for regulatory reasons (*see* Nasdaq Rule 4120(a)(4)); halts related to Exchange requests from issuers relating to material news, the issuer's ability to meet listing qualification requirements, or other information necessary to protect investors and the public interest (*see* Nasdaq Rule 4120(a)(5)); halts related to extraordinary market activity (*see* Nasdaq Rule 4120(a)(6)); halts in certain products where the Intraday Indicative Value or index value is not disseminated as required (*see* Nasdaq Rule 4120(a)(9)); halts in certain products where the net asset value is not being disseminated to all market participants at the same time (*see* Nasdaq Rule 4120(a)(10)); halts related to large price moves for Nasdaq-listed securities not covered by the LULD Plan (*see* Nasdaq Rule 4120(a)(11)), and halts related to reverse stock splits (*see* Nasdaq Rule 4120(a)(14)). In 2023, 98% of these aforementioned halts were news-related halts. The Exchange focuses on these specific trading halts because these halts currently not do have any price protection mechanism in place for the reopening of securities following a halt.

[13] *See* Notice, *supra* note 3, at 91855.

[14] *Id.; See* Nasdaq Rule 4120(c)(10).

[15] *See* Notice, *supra* note 3, at 91855; *See* Nasdaq Rule 4121(d).

[16] *See* Notice, *supra* note 3, at 91855.

[17] If there is no Nasdaq last sale price, the Exchange states that the prior trading day's NOCP is preferable for establishing the Auction Reference Price noting that the NOCP, as opposed to the last sale price on another exchange, serves as the next best reference price as it is derived from the primary market center for the Nasdaq-listed securities. *See* Notice, *supra* note 3, at 91855, n.16.

[18] The Nasdaq last sale price reflects the last sale price of that trading session. *See* Notice, *supra* note 3, at 91855, n.17.

halted security. The Exchange proposes to use Nasdaq specific prices rather than market-wide prices, consistent with MWCB, because of the accessibility and controllability of the Exchange data. In rare instances where there is no Nasdaq last sale price or NOCP, Nasdaq's MarketWatch Department (''MarketWatch'') would have discretion to set the Auction Reference Price.[19] The Exchange proposes to set the Auction Reference Price in a manner similar to that which is utilized for MWCB halts, in which the Auction Reference Price is the Nasdaq last sale price or if none, the NOCP.[20] However, the Exchange believes it is important to have a mechanism by which it may set a reference price in rare situations where there is no Nasdaq last sale price or NOCP.[21]

Similar to MWCB, the Exchange is not proposing to use the LULD Auction Reference Price, which is based on the Price Band that triggered the trading pause,[22] as the Exchange believes that a different reference is necessary for a reopening process that is unrelated to the LULD mechanism.[23] LULD and halt crosses use distinctly different reference prices in the auction pricing methodology. The reference price in an LULD auction in all cases will be either the pre-calculated upper or lower LULD band value that was last disseminated. In contrast, the reference price of a regulatory halt will use the prevailing last price or designated price in the event there is no last price. The Exchange states that the last prevailing price is more representative of the current value of a security, and as such, a better reference price to use for the halt reopening auction methodology.[24]

Proposed Nasdaq Rule 4120(c)(7)(A) also describes the Exchange's proposed process for determining the upper and lower ''Auction Collar'' prices. For securities with an Auction Reference Price of greater than $1, the lower Auction Collar price (which is rounded to the nearest minimum price increment [25]) is derived by subtracting $1 or 10% of the Auction Reference Price, whichever is greater, from the Auction Reference Price.[26] For securities with an Auction Reference Price of $1 or less, the lower Auction Collar price (which is rounded to the nearest minimum price increment) is derived by subtracting $0.50 or 10% of the Auction Reference Price, whichever is greater, from the Auction Reference Price. For securities with an Auction Reference Price of greater than $1, the upper Auction Collar price (which is rounded to the nearest minimum price increment) is derived by adding $1 or 10% of the Auction Reference Price, whichever is greater, to the Auction Reference Price.[27] For securities with an Auction Reference Price of $1 or less, the upper Auction Collar price (which is rounded to the nearest minimum price increment) is derived by adding $0.50 or 10% of the Auction Reference Price, whichever is greater, to the Auction Reference Price.[28] The proposed process for calculating the upper and lower Auction Collars is similar to the process used to calculate MWCB Auction Collars, where initial thresholds are applied on both sides of the Auction Reference Price.[29] In contrast, the initial price collar thresholds used for the LULD mechanism are determined by the direction of the trading that invoked the trading pause and the price of the LULD Band in place at the time the trading pause was triggered.[30] In this case, because there would not be a security-specific pricing direction reason for the halt, the Exchange believes that it is appropriate to apply the initial thresholds on both sides of the Auction Reference Price, as is currently done in the case of an MWCB halt.[31]

While the specific price collar thresholds used for the LULD and MWCB mechanisms are 5% of the Auction Reference Price, the proposed rule change would provide price collar thresholds of 10% (and 20% in the event a security enters a third period) of the Auction Reference Price. The Exchange believes it is appropriate to set the price collar thresholds at a higher percentage as compared to the price collar thresholds used for the LULD and MWCB mechanisms because halts under the proposal are more likely to have a significant price impact, warranting wider collars to allow for price discovery to happen quicker.[32] While the LULD and MWCB mechanisms provide a price collar threshold of $0.15 for securities with an Auction Reference Price of $3 or less,[33] the Exchange proposes to include minimum threshold amounts for calculating the price collars (*i.e.,* $0.50 for securities with an Auction Reference Price of $1 or less and $1 for securities with an Auction Reference Price of greater than $1) to ensure that the Auction Collars for lower-priced securities are wide enough to allow for reopening and effective price discovery.[34] According to the Exchange, this approach is reasonable because lower priced stocks can have significant price movement which warrants a greater minimum threshold in order to allow for efficient price discovery and a more timely reopening.[35]

Proposed Nasdaq Rule 4120(c)(7)(B) describes what would happen at the end of the Initial Display Only Period, the circumstances when the Exchange would extend the Display Only Period, and how the Exchange would adjust the Auction Collars for an extension. At the conclusion of the Initial Display Only Period, the security would be released for trading unless, at the end of an Initial Display Only Period, Nasdaq detects an order imbalance [36] in the security. In that case, Nasdaq would extend the Display Only Period for an additional 5-minute period (''Extended Display Only Period''), and the Auction Collar prices would be adjusted as follows: The new lower Auction Collar price is derived by subtracting $1 or 10% of the initial Auction Reference

[19] Although the proposal would allow for some discretion to MarketWatch, the Exchange notes that such discretion is limited to setting the Auction Reference Price in these rare instances, which does not determine the ultimate price at which the security will trade. The Exchange states that in exercising such limited discretion in these rare instances, MarketWatch would source the best estimation for the Auction Reference Price from an external vendor. *See* Notice, *supra* note 3, at 91855, n.18.

[20] *See* Notice, *supra* note 3, at 91855; *See* Nasdaq Rule 4121(d)(1)(A).

[21] *Id.*

[22] *See* Nasdaq Rule 4120(c)(10)(A)(i).

[23] *See* Notice, *supra* note 3, at 91855.

[24] *Id.* Further, LULD bands are published only during regular trading hours 9:30 a.m.–4:00 p.m. which prevents it from being considered as a refence price as halt auctions can occur at all eligible trading hours 4:00 a.m.–8:00 p.m. *Id.* at 91855, n.21.

[25] The term ''minimum price increment'' means $0.01 in the case of a System Security priced at $1 or more per share, and $0.0001 in the case of a System Security priced at less than $1 per share. *See* Equity 1, Section 1(a)(13).

[26] *See* Notice, *supra* note 3, at 91855–6.

[27] *Id.* at 91856.

[28] *Id.*

[29] *Id.; See* Nasdaq Rule 4121(d)(1)(B).

[30] *See* Nasdaq Rule 4120(c)(10)(A)(ii). In the LULD context, the initial price collar thresholds are asymmetrically updated because direction of the order imbalance (buyer/seller imbalances) are known at the time of the pause. In the halt cross context, the direction of the order imbalance (buyer/seller imbalances) is not known at the time of the halt. Accordingly, the Exchange explains that the initial price collar thresholds need to be applied symmetrically before arriving at the price at which the security will trade. *See* Notice, *supra* note 3, at 91856.

[31] *See* Notice, *supra* note 3, at 91856.

[32] For example, the Exchange states that a news driven halt related to a drug announcement may warrant a significant price movement in a short period of time and a wider collar would allow the stock to reopen in a reasonable period. *See* Notice, *supra* note 3, at 91856, n.25.

[33] *See* Nasdaq Rule 4120(c)(10)(A)(ii); Rule 4121(d)(1)(B).

[34] *See* Notice, *supra* note 3, at 91856.

[35] *Id.*

[36] The definition of an order imbalance is included in proposed Nasdaq Rule 4120(c)(7)(E).

Price, whichever is greater, from the previous lower Auction Collar price for securities with an Auction Reference Price of greater than $1 or $0.50 or 10% of the initial Auction Reference Price, whichever is greater, from the previous lower Auction Collar price for securities with an Auction Reference price of $1 or less.[37] The new upper Auction Collar price is derived by adding $1 or 10% of the initial Auction Reference Price, whichever is greater, to the previous upper Auction Collar price for securities with an Auction Reference Price of greater than $1 or $0.50 or 10% of the initial Auction Reference Price, whichever is greater, to the previous upper Auction Collar price for securities with an Auction Reference price of $1 or less.[38] The proposed process for initiating extensions is similar to the process currently used for extending trading pauses or halts under LULD[39] and MWCB,[40] with a few differences. First, the proposed minimum thresholds and percentages used to calculate the Auction Collars during the Extended Display Only Period are consistent with that of the Initial Display Only Period and continue to differ from the LULD and MWCB mechanisms in that regard,[41] as discussed above. Second, the proposed process for calculating the upper and lower Auction Collars during the Extended Display Only Period is similar to the process used to calculate Auction Collars during the Initial Display Only Period, where thresholds are applied on both sides of the Auction Reference Price. In contrast, the price collar thresholds used for the LULD and MWCB mechanisms are applied only in the direction that caused extension of the Display Only Period.[42] In this case, the Exchange believes that it is appropriate to continue to apply the thresholds on both sides of the Auction Reference Price to accommodate price swings in either direction and to increase the likelihood of resolving order imbalances.[43]

Proposed Nasdaq Rule 4120(c)(7)(C) explains what would happen at the end of the Extended Display Only Period. At the conclusion of the Extended Display Only Period, the security would be released for trading unless, at the end of the Extended Display Only Period, Nasdaq detects an order imbalance in the security. In that case, Nasdaq would further extend the Display Only Period for an additional 5-minute period (''Third Period''), and the Auction Collar prices would be adjusted as follows: The new lower Auction Collar price is derived by subtracting $1 or 20% of the initial Auction Reference Price, whichever is greater, from the previous lower Auction Collar price for securities with an Auction Reference Price of greater than $1 or $0.50 or 20% of the initial Auction Reference Price, whichever is greater, from the previous lower Auction Collar price for securities with an Auction Reference price of $1 or less.[44] The new upper Auction Collar price is derived by adding $1 or 20% of the initial Auction Reference Price, whichever is greater, to the previous upper Auction Collar price for securities with an Auction Reference Price of greater than $1 or $0.50 or 20% of the initial Auction Reference Price, whichever is greater, to the previous upper Auction Collar price for securities with an Auction Reference price of $1 or less. Nasdaq would release the security for trading at the first point[45] there is no order imbalance.[46] The Exchange believes it is appropriate to widen the collars by 20% instead of 10% to the extent a security has not reopened after the Extended Display Only Period because the order imbalance may be indicative that a significant price movement in the security is warranted based on the news announcement (or otherwise).[47] If the security has not been released for trading by the conclusion of the Third Period, Nasdaq will continue to adjust the Auction Collar prices every five minutes in the manner described in this Nasdaq Rule 4120(c)(7)(C) until the security is released for trading.[48] Other than the change in the percentage by which the Exchange will widen the collars, the process in proposed Nasdaq Rule 4120(c)(7)(C) is consistent with that of the LULD and MWCB mechanisms.[49]

Proposed Nasdaq Rule 4120(c)(7)(D) explains that, notwithstanding Nasdaq Rules 4120(c)(7)(A)–(C), a trading halt that exists at or after 3:50 p.m.[50] in a stock shall reopen via a Hybrid Closing Cross pursuant to Nasdaq Rule 4754(b)(7). The Hybrid Closing Cross would provide an alternative process for executing closing trades on the Exchange. Proposed Nasdaq Rule 4120(c)(7)(D) is consistent with the LULD mechanism, where a stock reopens via an LULD Closing Cross where a trading pause exists at or after 3:50 p.m.[51]

Proposed Nasdaq Rule 4120(c)(7)(E) explains when an order imbalance exists. Specifically, it provides that, for purposes of Nasdaq Rule 4120(c)(7), upon completion of the cross calculation an order imbalance shall be established as follows: the calculated price at which the security would be released for trading is above (below) the upper (lower) Auction Collar price; or (ii) all market orders would not be executed in the cross. This is the same manner in which an order imbalance is established under the current reopening process for trading pauses and MWCB halts.[52]

Proposed Nasdaq Rule 4120(c)(7)(F) provides that, if the Exchange is unable to reopen trading due to a systems or technology issue, it shall notify the securities information processor immediately. This is consistent with the Exchange's notification process for LULD.[53]

Proposed Changes to Nasdaq Rule 4702 (Order Types)

The Exchange proposes to amend Nasdaq Rule 4702 by deleting references to the LULD Closing Cross from Nasdaq Rule 4702(b)(12) (Limit on Close (LOC) Orders) and Nasdaq Rule 4702(b)(17) (Extended Trading Close (ETC) Orders). The Exchange believes that the LULD Closing Cross[54] as well as the proposed

[37] *See* Notice, *supra* note 3, at 91856.

[38] *Id.*

[39] *See* Nasdaq Rule 4120(c)(10)(B).

[40] *See* Nasdaq Rule 4121(d)(2).

[41] *See* Notice, *supra* note 3, at 91856.

[42] *See* Nasdaq Rule 4120(c)(10)(B); Nasdaq Rule 4121(d)(2).

[43] *Id.*

[44] *Id.*

[45] The ''first point'' there is no order imbalance would occur after the next NOII message dissemination.

[46] The Exchange explains that unlike the Initial Display Only Period and the Extended Display Only Period, the security could be released for trading prior to the end of the Third Period. For example, assume ABC security enters a regulatory halt at 1:30 p.m. The last sale/reference price is $100. The auction collars are $90 and $110. At 1:35 p.m., the calculated price at which the security would be released for trading is $122. The display only period is extended until 1:40. The new auction collars are $80 and $120. At 1:40 p.m., the calculated price at which the security would be release for trading is still $122. The Third Period commences at 1:40 p.m. The new auction collars are $60 and $140. At 1:40:01 p.m., the system detects that there is no longer an Order Imbalance so the Halt Cross commences and the security is released for trading. *See* Notice, *supra* note 3, at 91857, n.32.

[47] *See* Notice, *supra* note 3, at 91857.

[48] *Id.*

[49] *See* Nasdaq Rule 4120(c)(10)(C); Nasdaq Rule 4121(d)(3).

[50] All times referenced in the proposal are Eastern Time.

[51] *See* Nasdaq Rule 4120(c)(10)(D).

[52] *See* Nasdaq Rule 4120(c)(10)(E); Nasdaq Rule 4121(d)(4).

[53] *See* Nasdaq Rule 4120(a)(12)(G).

[54] The LULD Closing Cross is the Exchange's auction process for executing closing trades in Nasdaq-listed securities when a trading pause pursuant to Nasdaq Rule 4120(a)(12) exists at or after 3:50 p.m. and before 4:00 p.m. *See* Nasdaq Rule 4754(b)(6).

Hybrid Closing Cross [55] should be included in the definition of the Nasdaq Closing Cross because the LULD Closing Cross and the Hybrid Closing Cross are alternative processes for executing closing trades on the Exchange and therefore do not need to be specifically referenced in the Rules where the Nasdaq Closing Cross is already referenced, thereby simplifying the rule language.[56] For clarification, the Exchange also proposes to specify that the Nasdaq Closing Cross includes the LULD Closing Cross and Hybrid Closing Cross in the definition of the Nasdaq Closing Cross in Nasdaq Rule 4754(a)(6), as described below.

Proposed Changes to Nasdaq Rule 4753 (Nasdaq Halt Cross)

First, the Exchange proposes to clarify that Auction Reference Prices and Auction Collars are not included in the Order Imbalance Indicator, but instead are disseminated in a separate message. For purposes of LULD and MWCB, the Rules incorrectly state that the Auction Reference Prices and Auction Collars are included in the Order Imbalance Indicator and the Exchange proposes to correct such inaccuracies by modifying Section (F) and (G) in Nasdaq Rule 4753(a)(3) accordingly.[57]

The Exchange also proposes to add section (H) in Nasdaq Rule 4753(a)(3). This section (H) would provide that, for purposes of a trading halt initiated under Nasdaq Rule 4120(a)(1), (4), (5), (6), (9), (10), (11) or (14), the Exchange will disseminate a separate message with Auction Reference Prices and Auction Collars, as defined in Nasdaq Rule 4120(c)(7)(A).[58] This is consistent with dissemination of Auction Reference Prices and Auction Collars for purposes of LULD pauses and MWCB halts.

Nasdaq Rule 4753(e) currently states that any IOC Order for a halted security that is entered prior to the Nasdaq Closing Cross and for which the halt remains in effect at the commencement of the Nasdaq Closing Cross, shall be cancelled immediately after the Nasdaq Closing Cross. With the introduction of the Hybrid Closing Cross, as described further below, if the quoting period has commenced at any time prior to 4 p.m., IOC orders for halted securities would execute in the Hybrid Closing Cross. Similarly, IOC orders could also execute in the LULD Closing Cross. Therefore, the Exchange proposes to clarify, in Nasdaq Rule 4753(e), that any IOC Order for a halted security that is entered prior to the Nasdaq Closing Cross and for which the halt remains in effect at the commencement of the Nasdaq Closing Cross, *shall either execute in the Nasdaq Closing Cross or* be cancelled immediately after the Nasdaq Closing Cross.[59]

Proposed Changes to Nasdaq Rule 4754 (Nasdaq Closing Cross)

First, the Exchange proposes to amend the definition of ''Nasdaq Closing Cross'' in Nasdaq Rule 4754(a)(6). As noted above, the Exchange believes that the LULD Closing Cross and Hybrid Closing Cross should be included in the definition of Nasdaq Closing Cross because they are types of closing crosses.[60] The Exchange therefore proposes to clarify that the Nasdaq Closing Cross shall include the LULD Closing Cross and the Hybrid Closing Cross in Nasdaq Rule 4754(a)(6). Such change would allow the Exchange to simplify its rule language and prevent the Exchange from needing to list the LULD Closing Cross and Hybrid Closing Cross where the Nasdaq Closing Cross is referenced in the Rules.[61]

Second, the Exchange proposes to add ''NOII'' as an alternative defined term for ''Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(7). NOII is currently referenced in the Rules and the Exchange proposes to add references to NOII in the proposed rule change; however, NOII is not currently defined in the Rules. The Exchange is not proposing to make any substantive changes to the meaning of NOII or Order Imbalance Indicator. Rather, the Exchange wishes to provide clarity regarding the definition of NOII.[62]

Third, the Exchange proposes to add ''EOII'' as an alternative defined term for ''Early Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(10). EOII is currently referenced in the Rules and the Exchange proposes to add references to EOII in the proposed rule change; however, EOII is not currently defined in the Rules. The Exchange is not proposing to make any substantive changes to the meaning of EOII or Early Order Imbalance Indicator. Rather, the Exchange wishes to provide clarity regarding the definition of EOII.[63]

Fourth, the Exchange proposes to make two changes to Nasdaq Rule 4754(b)(6), which relates to the LULD Closing Cross Following Limit-Up-Limit-Down Trading Pause. In part, Nasdaq Rule 4754(b)(6)(F)(ii) sets forth Rules as to how the Exchange would handle LOC Orders entered between 3:55 p.m. and immediately prior to 3:58 p.m. The Exchange wishes to make a clarifying change to specify that the relevant timeframe is after the NOII immediately following 3:55 p.m. and immediately prior to 3:58 p.m. In other words, instead of stating ''between 3:55 p.m. ET and immediately prior to 3:58 p.m. ET,'' the Exchange proposes to state, ''after the NOII immediately following 3:55 p.m. ET and immediately prior to 3:58 p.m. ET'' to ensure the Rule is precise.[64] In addition, the Exchange proposes to modify Nasdaq Rule 4754(b)(6)(G) such that orders participating in the LULD Closing Cross shall be executed in price/display/time priority rather than just price/time priority as the current rule language states. This modification would be consistent with how the Exchange generally assigns priority with the execution of Displayed Orders and interest before Non-Displayed Orders. Specifically, Nasdaq Rule 4754(b)(3)(B) prescribes that, in the Closing Cross, the Exchange prioritizes as a group the execution of Displayed Orders and interest, with price as the primary priority, and then within each price level, with time as the secondary priority.[65] Accordingly, the Exchange proposes to update the rule whereby displayed orders are executed ahead of hidden orders. Such change would provide more specificity in the Rule for accuracy.[66]

Lastly, in proposed Nasdaq Rule 4754(b)(7), the Exchange proposes to adopt a modified closing cross (defined as the ''Hybrid Closing Cross'') that the Exchange would conduct for Nasdaq-listed securities when a trading halt pursuant to Nasdaq Rule 4120(a)(1), (4), (5), (6), (9), (10), (11) or (14) exists at or

[55] As described below, the Exchange proposes to establish the Hybrid Closing Cross in Rule 4754(b)(7). The Hybrid Closing Cross would be the Exchange's auction process for executing closing trades in Nasdaq-listed securities when a trading halt pursuant to Nasdaq Rule 4120(a)(1), (4), (5), (6), (9), (10), (11), or (14) exists at or after 3:50 p.m. and before 4:00 p.m.

[56] *See* Notice, *supra* note 3, at 91857.

[57] *Id.*

[58] *Id.* Dissemination will take place on Nasdaq's proprietary feed, Nasdaq TotalView-ITCH. As is the case with MWCB halts and to be consistent with current Exchange processes, the Exchange will not send auction information to the SIP, including price collars and the number of extensions. While auction information for LULD pauses is disseminated to the SIP per plan requirements, the Exchange does not disseminate auction information to the SIP for other halts.

[59] *See* Notice, *supra* note 3, at 91858.

[60] *Id.*

[61] *Id.*

[62] *Id.*

[63] *Id.*

[64] *Id.*

[65] *See* Nasdaq Rule 4754(b)(3)(B); *see also* Securities Exchange Act Release No. 97973 (July 25, 2023), 88 FR 49522 (July 31, 2023) (SR–NASDAQ–2023–024) (Notice of Filing and Immediate Effectiveness to Amend Equity 4, Rules 4752, 4753, and 4754).

[66] *See* Notice, *supra* note 3, at 91858.

after 3:50 p.m. and before 4:00 p.m.[67] Today, the Exchange has not needed to handle a halt reopening auction at or after 3:50 p.m. and before 4:00 p.m. due to the current policy of MarketWatch not scheduling any reopening of a security past 3:30 p.m. The Exchange states that it does not want to negatively impact the price discovery process because of the possibility of a conflict between a halt cross reopening and the official closing cross in the closing minutes of the trading day.[68] Under the Exchange's halt cross protection proposal, however, and its advent of collars and extensions, it is possible for a stock to be scheduled for reopening well ahead of the 4:00 p.m. close and have its quoting period extended multiple times past 3:50 p.m. due to its reference price falling outside of the established collars. As such, the Exchange's proposed Hybrid Closing Cross process eliminates the possibility of a conflicting cross and allows the Exchange to ensure that it can establish an efficient price discovery process for the closing price upon the market close at 4:00 p.m. The Hybrid Closing Cross provides an alternative process for executing closing trades on Nasdaq for when certain trading halts[69] exist at or after 3:50 p.m. and before 4:00 p.m. (if the Display Only Period has begun for a halted security).

Under the proposal, a halted security would only be eligible to resume trading via the Hybrid Closing Cross after the Display Only Period begins.[70] The Exchange proposes to define ''Auction Reference Price,'' ''Eligible Interest,'' and ''Imbalance'' in Nasdaq Rule 4754(b)(7)(A) for purposes of Nasdaq Rule 4754(b)(7). ''Auction Reference Price'' would have the same meaning as defined in Nasdaq Rule 4120(c)(7)(A), discussed above. ''Eligible Interest'' would have the same meaning as ''Close Eligible Interest'' in Nasdaq Rule 4754(a),[71] with the addition of any new orders with an eligible underlying Order Type and Attribute, entered during the trading halt. ''Imbalance'' would mean the number of shares of buy or sell Market on Close (''MOC''),[72] LOC Orders, or Eligible Interest that cannot be matched with other MOC, LOC, or Imbalance Only (''IO'') Order shares or Eligible Interest at a particular price at any given time. These proposed definitions are consistent with the definitions of Eligible Interest and Imbalance used for purposes of the LULD Closing Cross.[73]

In proposed Nasdaq Rule 4754(b)(7)(B), the Exchange proposes to specify the timing of the Hybrid Closing Cross and After Hours Trading, as well as what happens if there is insufficient trading in the System to execute a Hybrid Closing Cross.[74] For trading halts existing at or after 3:50 and before 4:00 p.m., the Hybrid Closing Cross would occur at 4:00 p.m. After Hours Trading would commence after the Hybrid Closing Cross executes. If there is insufficient trading interest in the Nasdaq system to execute a Hybrid Closing Cross, Nasdaq would not conduct a cross in that security and would instead use the last sale on Nasdaq as the NOCP in that security for that trading day. After Hours Trading would commence after Nasdaq publishes the NOCP. Such procedures are consistent with that of the LULD Closing Cross.[75]

Proposed Nasdaq Rule 4754(b)(7)(C) provides information about dissemination of the EOII[76] and NOII[77] and about the price at which the Hybrid Closing Cross would execute. Specifically, Nasdaq proposes to continue disseminating the EOII and the NOII pursuant to Nasdaq Rule 4754(b)(1) until After Hours Trading begins. The Near Clearing Price[78] and Reference Prices contained in the EOII and the NOII, as applicable, would represent the price at which the Hybrid Closing Cross would execute should the cross conclude at that time, bounded by the Threshold Prices (defined below), and the Far Clearing Price[79] would represent the price at which the Hybrid Closing Cross would execute should the cross conclude at that time, if it were not bounded by the Threshold Prices (defined below). Such procedures are similar to that of the LULD Closing Cross.[80]

Proposed Nasdaq Rule 4754(b)(7)(D) would specify that the Hybrid Closing Cross would occur at the price within the threshold prices established pursuant to Nasdaq Rule 4754(b)(7)(E) (''Threshold Prices'') that maximizes the number of shares of Eligible Interest, MOC, LOC, and IO[81] Orders in the Nasdaq Market Center to be executed. If more than one price exists, the Hybrid Closing Cross would occur at the price within the Threshold Prices that minimizes any Imbalance. If more than one price still exists, the Hybrid Closing Cross would occur at the entered price[82] within the Threshold Prices at which shares will remain unexecuted in the cross. If there is no price within the Threshold Prices that satisfies the above conditions, then the Hybrid Closing Cross would occur at: (a) if an Imbalance exists, a price equal to the upper (lower) Threshold Price for a buy (sell) Imbalance; or (b) if no Imbalance exists, a price equal to the Auction Reference Price. The proposed tiebreakers in Nasdaq Rule 4754(b)(7)(D) are consistent with the tiebreakers used for determining the LULD Closing Cross price with one exception.[83] Specifically, if there is no price within the Threshold Prices that satisfies the conditions mentioned above and no Imbalance exists, the Hybrid Closing Cross would occur at a price equal to the Auction Reference Price[84] whereas the LULD Closing Cross occurs at a price that minimizes the distance from the last published Upper Band (Lower Band) for a Limit Up (Limit Down) Trading Pause.[85] Such difference reflects the need for a price that is unrelated to the LULD mechanism in the case of the Hybrid Closing Cross given there would not be a security-specific pricing direction reason for the halt (or LULD Bands).[86]

The Exchange proposes to introduce price protections to the Hybrid Closing Cross that are similar to the protections used today for the LULD Closing Cross and will ensure that the Hybrid Closing Cross price is reasonably related to

[67] In contrast, today, such halts would typically not be scheduled to resume trading during such period, avoiding interference with the closing cross.

[68] *See* Notice, *supra* note 3, at 91858.

[69] *See supra* note 8.

[70] A halted stock that has not entered the Display Only Period at or after 3:50 and before 4:00 p.m. would not participate in the Hybrid Closing Cross and would remain halted.

[71] ''Close Eligible Interest'' means any quotation or any order that may be entered into the system and designated with a time-in-force of SDAY, SGTC, MDAY, MGTC, SHEX, or GTMC. The System will delay processing any full cancellation request for Close Eligible Interest made during the Nasdaq Closing Cross until such time as the Nasdaq Closing Cross concludes, except for securities in a halt or pause. During a halt or pause, the System will process any full or partial cancellation request for Close Eligible Interest made for such halted or paused security during the Nasdaq Closing Cross. *See* Nasdaq Rule 4754(a)(1).

[72] A ''Market On Close Order'' or ''MOC Order'' is an Order Type entered without a price that may be executed only during the Nasdaq Closing Cross. *See* Nasdaq Rule 4702(b)(11).

[73] *See* Nasdaq Rule 4754(b)(6)(A).

[74] *See* Notice, *supra* note 3, at 91859.

[75] *See* Nasdaq Rule 4754(b)(6)(B).

[76] *See* Nasdaq Rule 4754(a)(10).

[77] *See* Nasdaq Rule 4754(a)(7).

[78] *See* Nasdaq Rule 4754(a)(7)(E)(ii).

[79] *See* Nasdaq Rule 4754(a)(7)(E)(i).

[80] *See* Nasdaq Rule 4754(b)(6)(C).

[81] An ''Imbalance Only Order'' or ''IO Order'' is an Order entered with a price that may be executed only in the Nasdaq Closing Cross and only against MOC Orders or LOC Orders. *See* Nasdaq Rule 4702(b)(13).

[82] The ''entered price'' refers to the price of the cross eligible order interest at which shares would remain unexecuted in the Hybrid Closing Cross. *See* Notice, *supra* note 3, at 91859, n.56.

[83] *See* Nasdaq Rule 4754(b)(6)(D).

[84] *See* Nasdaq Rule 4754(b)(7)(A)(i).

[85] *See* Nasdaq Rule 4754(b)(6)(D)(iv)(b).

[86] *See* Notice, *supra* note 3, at 91859.

current market conditions. Proposed Nasdaq Rule 4754(b)(7)(E) would describe the Threshold Prices within which the Hybrid Closing Cross price must fall. The upper (lower) Threshold Price would be established by adding (subtracting) $1 or a certain percentage of the initial Auction Reference Price, whichever is greater, to the upper (or from the lower) Auction Collar price that was last disseminated pursuant to Nasdaq Rule 4120(c)(7)(A)(ii) for securities with an Auction Reference Price of greater than $1.[87] The upper (lower) Threshold Price would be established by adding (subtracting) $0.50 or a certain percentage of the initial Auction Reference Price, whichever is greater, to the upper (or from the lower) Auction Collar price that was last disseminated pursuant to Nasdaq Rule 4120(c)(7)(A)(ii) for securities with an Auction Reference price of $1 or less. Nasdaq management would set and modify the thresholds from time to time upon prior notice to market participants. This is similar to the discretion provided to Nasdaq management in connection with the opening cross, closing cross, and LULD Closing Cross, where Nasdaq management has discretion to set and modify thresholds used in determining the Benchmark Prices.[88] Although the proposed price protections are similar in nature to those used for the LULD Closing Cross, the process for calculating the Benchmark Prices for the LULD Closing Cross is distinct because it involves widening the Auction Collar (or Band) on only one side,[89] while the proposed process would widen the Auction Reference Price on both sides for the Hybrid Closing Cross. In this case, because there would not be a security-specific pricing direction reason for the halt, the Exchange believes that it is appropriate to apply the thresholds on both sides of the Auction Reference Price.[90]

Proposed Nasdaq Rule 4754(b)(7)(F) sets forth the orders that would be eligible to participate in the Hybrid Closing Cross, including all orders entered into the system and placed on the continuous book prior to the trading halt. Such orders may be modified or cancelled up until the time of the Hybrid Closing Cross. During the halt and prior to 4:00 p.m., new orders may be entered, modified, and cancelled and may participate in the Hybrid Closing Cross. MOC, LOC and IO Orders may be entered, modified, and cancelled pursuant to Nasdaq Rules 4702(b)(11), 4702(b)(12), and 4702(b)(13).[91] If the security entered a trading halt prior and up to 3:50 p.m., the System would not accept late LOC Orders.[92] For purposes of Hybrid Closing Cross price selection, buy (sell) IO orders are re-priced to one minimum price increment below (above) the initial Auction Reference Price. Such rules are consistent with the LULD mechanism,[93] except that the proposed rules do not include certain inapplicable language from the LULD Closing Cross processes.[94]

Proposed Nasdaq Rule 4754(b)(7)(G) provides that orders participating in the Hybrid Closing Cross would be executed in price/display/time priority order and for purposes of determining priority, eligible IO orders would be priced to the closing price and executed in time priority with other orders at that price. This clarification would be consistent with how the Exchange generally assigns priority with the execution of Displayed Orders and interest before Non-Displayed Orders.[95] In addition, Proposed Nasdaq Rule 4754(b)(7)(G) provides that any order not executed in the Hybrid Closing Cross would be processed according to the entering firm's instructions. This is consistent with how orders execute in the LULD Closing Cross.[96]

Finally, the Exchange would renumber current Nasdaq Rule 4754(b)(7) as Nasdaq Rule 4754(b)(8) and update a related reference in such Rule.

Proposed Changes to Nasdaq Rule 4755 (Extended Trading Close)

Similar to the revisions made to Nasdaq Rule 4702 (Order Types), the Exchange proposes to delete references to the LULD Closing Cross from Nasdaq Rule 4755 because the Exchange proposes to include the LULD Closing Cross and the Hybrid Closing Cross in the definition of the Nasdaq Closing Cross, thereby making the specific references to the LULD Closing Cross in Nasdaq Rule 4755 unnecessary.[97]

Implementation

The Exchange represents that it will issue an Equities Trader Alert not less than 7 days prior to implementing the proposed changes.[98] On February 22, 2022, the Exchange submitted a proposal to amend its Rules related to halts (''Halts Proposal'') for the purpose of implementing UTP Plan amendments and establishing common criteria and procedures for halting and resuming trading in equity securities in the event of regulatory or operational issues.[99] The Halts Proposal was approved on June 8, 2022.[100] The Exchange intends to implement the Halts Proposal in conjunction with other SROs. Because the Exchange continues to await an industry-wide implementation and wishes to implement the proposed enhancements to its halt cross process in the meantime, the Exchange intends to file a proposed rule change in the future to incorporate the changes herein with those changes in the Halts Proposal.[101] As such, the proposed rule changes described herein reflect changes to the Exchange's currently operative rule language.

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.[102] In particular, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[103] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to

[87] *Id.*

[88] *See* Nasdaq Rule 4752(d)(2)(E)(Opening Cross); Nasdaq Rule 4754(b)(2)(E)(Closing Cross); Nasdaq Rule 4754(b)(6)(E)(LULD Closing Cross).

[89] *See* Nasdaq Rule 4754(b)(6)(E) (LULD Closing Cross).

[90] *See* Notice, *supra* note 3, at 91859.

[91] Though other order types are also applicable, the Exchange calls out MOC, LOC and IO Orders to make it clear that, for these order types, there may be exceptions to the general rule that ''During the halt and prior to 4:00 p.m., new orders may be entered, modified, and cancelled and may participate in the Hybrid Closing Cross.'' As such, the Exchange proposes to make it clear that Nasdaq Rules 4702(b)(11), 4702(b)(12), and 4702(b)(13) prevail. *See* Notice, *supra* note 3, at 91859, n.62.

[92] The System would not accept late LOC orders in this scenario because if a security entered a trading halt prior and up to 3:50 p.m. ET, there would be no relevant reference prices, upon which such orders depend.

[93] *See* Nasdaq Rule 4754(b)(6)(F).

[94] Trading halts subject to the Hybrid Closing Cross would not be entered between 3:50 and 4 p.m. and therefore certain procedures included in the LULD Closing Cross Rules are inapplicable to the Hybrid Closing Cross. *See, e.g.,* Nasdaq Rules 4754(b)(6)(F)(ii)(b)–(c).

[95] *See* Notice, *supra* note 3, at 91860.

[96] *See* Nasdaq Rule 4754(b)(6)(G).

[97] *See* Notice, *supra* note 3, at 91860.

[98] *Id.*

[99] *See* Securities Exchange Act Release No. 94370 (Mar. 7, 2022), 87 FR 14071 (Mar. 11, 2022) (SR–NASDAQ–2022–017) (Notice of Filing of Proposed Rule Change To Modify Equity 4, Section 4120 To Add Categories of Regulatory and Operational Halts, To Reorganize the Remaining Text of the Rule, and To Make Conforming Changes to Related Rule).

[100] *See* Securities Exchange Act Release No. 95069 (June 8, 2022), 87 FR 36018 (June 14, 2022) (SR–NASDAQ–2022–017).

[101] *See* Notice, *supra* note 3, at 91860.

[102] 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).

[103] 15 U.S.C. 78f(b)(5).

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.

The Exchange's proposal would amend the halt auction process following certain trading halts to be more closely aligned with the process currently implemented for halt auctions following a trading pause under the LULD Plan and the process for halting auctions following an MWCB halt. Price collars would be built into the halt cross process, and if the price falls outside of those collars after an initial 5-minute display only period, the collars would be widened by the same threshold amount as the initial collars and a subsequent 5-minute display only period would commence. If the price falls outside of those collars after the second 5-minute display only period, the collars would be widened by a wider amount and a subsequent, third period would commence. This process would continue until the price falls within the set thresholds, after which the auction would execute and the stock would reopen for trading. As noted by the Exchange, the current reopening process does not have a mechanism for calculating price collars and a process for widening the collars if necessary to accommodate buy or sell pressure outside of the collars then in effect.

These price collar thresholds balance the need for price protections with the desire to promote efficient price discovery and minimize the length of the interruption from a trading halt. Further, the standardized procedures to extend halt auctions by 5-minute periods are designed to protect investors and the public interest because allowing additional time could help reduce the potential for significant price disparity in post-auction trading and promote improved price discovery, attract offsetting liquidity, and potentially increase market participation, which could improve liquidity and help reduce price volatility. Accordingly, this proposal balances transparency and timeliness to ensure efficient price discovery.

The Exchange also proposes to establish a Hybrid Closing Cross and implement price protections for the Hybrid Closing Cross, which are similar to the protections currently employed for the LULD Closing Cross. With respect to the LULD Closing Cross, the Exchange currently calculates and applies a price threshold to a benchmark value that, when applied to an individual security, determines the price threshold range within which the security must execute in the LULD Closing Cross. The Hybrid Closing Cross proposal is necessary given the changes the Exchange proposes to make to the halt reopening process. In particular, the Exchange states that it has not needed to handle a halt reopening auction at or after 3:50 p.m. and before 4:00 p.m. due to the current policy of MarketWatch not scheduling any reopening of a security past 3:30 p.m.[104] Because of the potential for a halt reopening to extend beyond 3:50 p.m. under the proposal, the Exchange proposes to establish the Hybrid Closing Cross. Nasdaq's proposal to establish a Hybrid Closing Cross and associated protections similar to the LULD Closing Cross would promote just and equitable principles of trade by facilitating a fair and orderly price discovery process at the close and ensuring that the closing price of a security is reasonably based on current market conditions in the security and that the cross price derived does not exceed a price reasonably tied to the prevailing market at the time.

In addition, the Exchange proposes additional changes to Equity 4 to remove references to the LULD Closing Cross in Nasdaq Rule 4702 and Nasdaq Rule 4755, clarify how Auction Reference Prices and Auction Collars are disseminated in Nasdaq Rule 4753(a)(3), add an exception regarding cancellation of IOC Orders for halted securities in Nasdaq Rule 4753(e), specify that the Nasdaq Closing Cross shall include the LULD Closing Cross and the Hybrid Closing Cross in Nasdaq Rule 4754(a)(6), add ''NOII'' as an alternative defined term for ''Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(7), add ''EOII'' as an alternative defined term for ''Early Order Imbalance Indicator'' in Nasdaq Rule 4754(a)(10), amend language related to handling of late LOC Orders in Nasdaq Rule 4754(b)(6), and modify the priority for orders participating in the LULD Closing Cross in Nasdaq Rule 4754(b)(6) so that priority is assigned to the execution of Displayed Orders and interest before Non-Displayed Orders. The Commission agrees with the Exchange that such proposed changes would increase clarity and transparency in the Rules, consistent with the public interest and the protection of investors.

For the reasons discussed above, the Commission finds that the proposed rule change is consistent with the requirements of the Act.

[104] See Notice, supra note 3, at 91858.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[105] that the proposed rule change (SR–NASDAQ–2024–065) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[106]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02386 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102338; File No. SR–MEMX–2025–01]

Self-Regulatory Organizations; MEMX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Rule 21.7 Related to the Exchange's Opening Procedures on MEMX Options

February 4, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 22, 2025, MEMX 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 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 21.7 related to the Exchange's opening procedures on MEMX Options. Specifically, the Exchange proposes to open options, other than index options, for trading after the System's observation after 9:30 a.m. Eastern Time of both: (i) the first disseminated transaction on the primary listing market in the securities underlying the options, and (ii) the Limit Up-Limit Down (''LULD'') price bands applicable to the securities underlying the options as disseminated by the applicable Securities Information Processor (''SIP''). The Exchange currently opens options, other than index options, for

[105] *Id.*

[106] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

trading following the first print disseminated pursuant to an effective national market system plan.

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://info.memxtrading.com/regulation/rules-and-filings/* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-MEMX-2025-01.*

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 [3] and Rule 19b–4(f)(6) [4] 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 [5] and Rule 19b–4(f)(6) [6] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6) [7] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[8] 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 align the Exchange's options opening with the opening price of the corresponding underlying security on its primary listing market. Accordingly, the Commission designates the proposed rule change to be operative upon filing.[9]

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.[10] 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-MEMX-2025-01*) or by sending an email to *rule-comments@sec.gov.* Please include file number SR–MEMX–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–MEMX–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-MEMX-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–MEMX–2025–01 and should be submitted on or before March 3, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[11]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02389 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

[3] 15 U.S.C. 78(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 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.

[7] 17 CFR 240.19b–4(f)(6).

[8] 17 CFR 240.19b–4(f)(6)(iii).

[9] 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).

[10] 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.

[11] 17 CFR 200.30–3(a)(12) and (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102337; File No. SR–PhlX–2025–05]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Adopt a New OTTO Protocol

February 4, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 29, 2025, Nasdaq PHLX 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 [3] and Rule 19b–4(f) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to adopt a new protocol, ''Ouch to Trade Options'' or ''OTTO'' and establish pricing for this new protocol. The Exchange proposes to amend various Phlx Rules in connection

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f). 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.

with this rule change, including: Options 3, Section 7 (Types of Orders and Order and Quote Protocols); Options 3, Section 8 (Options Opening Process); Options 3, Section 17 (Kill Switch); Options 3, Section 18 (Detection of Loss of Communication); and Options 7, Section 9 (Other Member Fees).

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/rulefilings* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-PHLX-2025-05.*

II. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.[5] Comments may be submitted electronically by using the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-PHLX-2025-05*) or by sending an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2025–05 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–2025–05. 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-2025-05*). 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–Phlx–2025–05 and should be submitted on or before March 3, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[6]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02387 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

[5] Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange.

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102341; File No. SR–GEMX–2025–05]

Self-Regulatory Organizations; Nasdaq GEMX, LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–GEMX–2024–42

February 4, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2025, Nasdaq GEMX, LLC (''GEMX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Item I below, which Item has been substantially prepared by the Exchange. The Exchange has designated this proposal for immediate effectiveness pursuant to Section 19(b)(3)(A) of the Act [3] and Rule 19b–4(f) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f). 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 SR–GEMX–2024–42,[5] which amended GEMX's Options Regulatory Fee (''ORF''). Specifically, the Exchange proposed to delay the new ORF and methodology therein which now will be implemented on June 1, 2025 and sunset on December 1, 2025.[6]

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* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-GEMX-2025-05.*

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.[7] 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-2025-05*) or by sending an email to *rule-comments@sec.gov.* Please include file number SR–GEMX–2025–05 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–2025–05. To help the Commission process and

[5] *See* Securities and Exchange Act Release No. 101875 (Dec. 11, 2024), 89 FR 102223 (Dec. 17, 2024) (SR–GEMX–2024–42) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Approach to the Options Regulatory Fee (ORF) in 2025).

[6] On January 13, 2025, the Exchange filed SR–GEMX–2025–03. The Exchange withdrew SR–GEMX–2025–03 on January 28, 2025 and replaced it with this filing.

[7] 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.

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-2025-05*). 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–2025–05 and should be submitted on or before March 3, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02384 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2:00 p.m. on Thursday, February 13, 2025.

PLACE: The meeting will be held via remote means and/or at the Commission's headquarters, 100 F Street NE, Washington, DC 20549.

STATUS: This meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters also may be present.

In the event that the time, date, or location of this meeting changes, an announcement of the change, along with the new time, date, and/or place of the meeting will be posted on the Commission's website at *https://www.sec.gov.*

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(3), (5), (6), (7), (8), 9(B) and (10) and 17 CFR 200.402(a)(3), (a)(5), (a)(6), (a)(7), (a)(8), (a)(9)(ii) and (a)(10), permit consideration of the scheduled matters at the closed meeting.

The subject matter of the closed meeting will consist of the following topics:

Institution and settlement of injunctive actions;

Institution and settlement of administrative proceedings;

Resolution of litigation claims; and

Other matters relating to examinations and enforcement proceedings.

At times, changes in Commission priorities require alterations in the scheduling of meeting agenda items that may consist of adjudicatory, examination, litigation, or regulatory matters.

CONTACT PERSON FOR MORE INFORMATION: For further information, please contact Vanessa A. Countryman from the Office of the Secretary at (202) 551–5400.

Authority: 5 U.S.C. 552b.

Dated: February 6, 2025.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–02457 Filed 2–6–25; 11:15 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102343; File No. SR–BX–2025–005]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Delay the Implementation of the New Options Regulatory Fee (ORF) and ORF Methodology Proposed in SR–BX–2024–054

February 4, 2025.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 28, 2025, Nasdaq BX, Inc. (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[3] and Rule 19b–4(f) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f). 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 SR–BX–2024–054,[5] which amended the Exchange's Options Regulatory Fee (''ORF''). Specifically, the Exchange proposes to delay the new ORF and methodology therein which now will be implemented on June 1, 2025 and sunset on December 1, 2025.[6]

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* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-BX-2025-005.*

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.[7] 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-2025-005*) or by sending an email to *rule-comments@sec.gov.* Please include file number SR–BX–2025–005 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC

[5] *See* Securities and Exchange Act Release No. 101878 (Dec. 11, 2024), 89 FR 102199 (Dec. 17, 2024) (SR–BX–2024–054) (Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Adopt a New Approach to the Options Regulatory Fee (ORF) in 2025).

[6] On January 13, 2025, the Exchange filed SR–BX–2025–004. The Exchange withdrew SR–BX–2025–004 on January 28, 2025 and replaced it with this filing.

[7] 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.

20549–1090. All submissions should refer to file number SR–BX–2025–005. 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-2025-005*). 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–2025–005 and should be submitted on or before March 3, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02388 Filed 2–7–25; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 12649]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Superfine: Tailoring Black Style" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Superfine: Tailoring Black Style'' at The Metropolitan Museum of Art, New York, New York, and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 257–1 of December 11, 2015.

Rafik K. Mansour,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–02393 Filed 2–7–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12648]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: "Lines of Connection: Drawing and Printmaking" Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to agreements with their foreign owners or custodians for temporary display in the exhibition ''Lines of Connection: Drawing and Printmaking'' at The Art Institute of Chicago, in Chicago, Illinois; the J. Paul Getty Museum at the Getty Center, Los Angeles, California; and at possible additional exhibitions or venues yet to be determined, are of cultural significance, and, further, that their temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202–632–6471; email: *section2459@state.gov*). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA–5), Suite 5H03, Washington, DC 20522–0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.;* 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236–3 of August 28, 2000, and Delegation of Authority No. 257–1 of December 11, 2015.

Rafik K. Mansour,

Deputy Assistant Secretary for Policy, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2025–02392 Filed 2–7–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Tribal and Indian Affairs, 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 Tribal and Indian Affairs will meet on February 25 and 26, 2025 virtually at this link: *https://www.zoomgov.com/meeting/register/hMEvT94gRwO_sFrX1l4reA.*

The meeting sessions will begin, and end as follows:

Dates:	Times:
February 25, 2025	9 a.m. to 5 p.m.—Pacific Standard Time (PST).
February 26, 2025	9 a.m. to 5 p.m. PST.

The meeting sessions will be open to the public.

The purpose of the Committee is to advise the Secretary on all matters relating to Indian tribes, tribal organizations, Native Hawaiian organizations, and Native American Veterans. This includes advising the

[8] 17 CFR 200.30–3(a)(12).

Secretary on the administration of healthcare services and benefits to American Indian/Alaska Natives and Native Hawaiian Veterans; thereby assessing those needs and whether VA is meeting them.

On February 25, 2025, the agenda will include opening remarks from the VA, CALVET and Indian Health Service (IHS), updates from the VA Office of Tribal Government Relations, VA Office of Tribal Health, Panel on Tribal and Urban Indian Health, the VA San Diego Health Care System—Quality Consultant, and a Veteran Panel with the Veterans Health Administration (VHA) and Veterans Benefits Administration (VBA).

On February 26, 2025, the agenda will include updates from the VHA Veterans Justice Programs, the VHA/Indian Health Service (IHS)/Tribal Health Program (THP)/Urban Indian Organization (UIO), VA Veterans Experience Office (VEO), the San Diego County and San Diego American Legion, VBA Native American Direct Loan (NADL), and the National Cemetery Administration (NCA). Public Comment Period will be from 4:00 p.m. to 5:00 p.m. PST. The comment period may end sooner if no comments are presented or they are exhausted before the end time.

The two-day meeting is open to the public to attend virtually and will be recorded. Individuals who wish to speak during the public comment session are invited to submit a 1–2-page summary of their comments no later than February 17, 2025, for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Veronica Duncan, at *Veronica.Duncan@va.gov.* Any member of the public seeking additional information should contact Veronica Duncan at the email address above or by calling 202–905–7294.

Dated: February 5, 2025.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2025–02410 Filed 2–7–25; 8:45 am]

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FEDERAL REGISTER

Vol. 90 Monday,
No. 26 February 10, 2025

Part II

The President

Executive Order 14199—Withdrawing the United States From and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations

Federal Register
Vol. 90, No. 26
Monday, February 10, 2025

Presidential Documents

Title 3—

The President

Executive Order 14199 of February 4, 2025

Withdrawing the United States From and Ending Funding to Certain United Nations Organizations and Reviewing United States Support to All International Organizations

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered:

Section 1. *Purpose.* The United States helped found the United Nations (UN) after World War II to prevent future global conflicts and promote international peace and security. But some of the UN's agencies and bodies have drifted from this mission and instead act contrary to the interests of the United States while attacking our allies and propagating anti-Semitism. As in 2018, when the United States withdrew from the UN Human Rights Council (UNHRC), the United States will reevaluate our commitment to these institutions.

Three UN organizations that deserve renewed scrutiny are the UNHRC; the UN Educational, Scientific, and Cultural Organization (UNESCO); and the UN Relief and Works Agency for Palestine Refugees in the Near East (UNRWA).

UNRWA has reportedly been infiltrated by members of groups long designated by the Secretary of State (Secretary) as foreign terrorist organizations, and UNRWA employees were involved in the October 7, 2023, Hamas attack on Israel. UNHRC has protected human rights abusers by allowing them to use the organization to shield themselves from scrutiny, while UNESCO has demonstrated failure to reform itself, has continually demonstrated anti-Israel sentiment over the past decade, and has failed to address concerns over mounting arrears.

Sec. 2. *UNHRC and UNESCO Participation.* (a) The United States will not participate in the UNHRC and will not seek election to that body. The Secretary shall terminate the office of United States Representative to the UNHRC and any positions primarily dedicated to supporting the United States Representative to the UNHRC.

(b) The United States will also conduct a review of its membership in UNESCO. This review shall be led by the Secretary, in coordination with the United States Representative to the United Nations (UN Ambassador), and must be completed within 90 days of the date of this order. The review will include an evaluation of how and if UNESCO supports United States interests. In particular, the review will include an analysis of any anti-Semitism or anti-Israel sentiment within the organization.

Sec. 3. *Funding.* (a) Executive departments and agencies shall not use any funds for a contribution, grant, or other payment to UNRWA, consistent with section 301 of title III, division G, of Public Law 118–47 (March 23, 2024). The Secretary shall withdraw the determination previously made under section 7048(c)(1) of title VII, division F, of Public Law 118–47. Accordingly, of the funds appropriated for a contribution to the UN Regular Budget under the heading ''Contributions to International Organizations'' of Public Law 118–47, as most recently continued by Public Law 118–158 (December 21, 2024), the Secretary shall withhold the United States proportionate share of the total annual amount of UN Regular Budget funding for the UNHRC, consistent with section 7048(c) of title VII, division F, of Public Law 118–47.

(b) Within 180 days of the date of this order, the Secretary, in consultation with the UN Ambassador, shall conduct a review of all international intergovernmental organizations of which the United States is a member and provides any type of funding or other support, and all conventions and treaties to which the United States is a party, to determine which organizations, conventions, and treaties are contrary to the interests of the United States and whether such organizations, conventions, or treaties can be reformed. Upon the conclusion of that review, the Secretary shall report the findings to the President, through the Assistant to the President for National Security Affairs, and provide recommendations as to whether the United States should withdraw from any such organizations, conventions, or treaties.

Sec. 4. *Notification.* The Secretary shall inform the UN Secretary General and the leadership of UNRWA and the UN High Commissioner for Human Rights that the United States will not fund UNRWA or the UNHRC and that the United States will not satisfy any claims to pay 2025 assessments or prior arrears by these organizations.

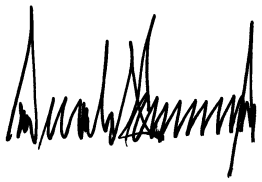
Sec. 5. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

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

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.



THE WHITE HOUSE,
February 4, 2025.

[FR Doc. 2025–02504
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FEDERAL REGISTER PAGES AND DATE, FEBRUARY

CFR PARTS AFFECTED DURING FEBRUARY

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List January 31, 2025

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