FEDERAL REGISTER

Vol. 90 Tuesday,

No. 22 February 4, 2025

Pages 8861–9000

OFFICE OF THE FEDERAL REGISTER

The **FEDERAL REGISTER** (ISSN 0097–6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

The **FEDERAL REGISTER** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see *www.federalregister.gov.*

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge at *www.govinfo.gov*, a service of the U.S. Government Publishing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6:00 a.m. each day the **Federal Register** is published and includes both text and graphics from Volume 1, 1 (March 14, 1936) forward. For more information, contact the GPO Customer Contact Center, U.S. Government Publishing Office. Phone 202-512-1800 or 866-512-1800 (toll free). E-mail, *gpocusthelp.com.*

The annual subscription price for the **Federal Register** paper edition is $860 plus postage, or $929, for a combined **Federal Register, Federal Register** Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the **Federal Register** Index and LSA is $330, plus postage. Six month subscriptions are available for one-half the annual rate. The prevailing postal rates will be applied to orders according to the delivery method requested. The price of a single copy of the daily **Federal Register,** including postage, is based on the number of pages: $11 for an issue containing less than 200 pages; $22 for an issue containing 200 to 400 pages; and $33 for an issue containing more than 400 pages. Single issues of the microfiche edition may be purchased for $3 per copy, including postage. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard, American Express, or Discover. Mail to: U.S. Government Publishing Office—New Orders, P.O. Box 979050, St. Louis, MO 63197-9000; or call toll free 1-866-512-1800, DC area 202-512-1800; or go to the U.S. Government Online Bookstore site, see *bookstore.gpo.gov.*

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 90 FR 12345.

Postmaster: Send address changes to the Superintendent of Documents, Federal Register, U.S. Government Publishing Office, Washington, DC 20402, along with the entire mailing label from the last issue received.

SUBSCRIPTIONS AND COPIES

PUBLIC

Subscriptions:

Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**202–512–1806**
General online information	**202–512–1530; 1–888–293–6498**

Single copies/back copies:

Paper or fiche	**202–512–1800**
Assistance with public single copies	**1–866–512–1800 (Toll-Free)**

FEDERAL AGENCIES

Subscriptions:

Assistance with Federal agency subscriptions:

Email	*FRSubscriptions@nara.gov*
Phone	**202–741–6000**

The Federal Register Printing Savings Act of 2017 (Pub. L. 115-120) placed restrictions on distribution of official printed copies of the daily **Federal Register** to members of Congress and Federal offices. Under this Act, the Director of the Government Publishing Office may not provide printed copies of the daily **Federal Register** unless a Member or other Federal office requests a specific issue or a subscription to the print edition. For more information on how to subscribe use the following website link: *https://www.gpo.gov/frsubs.*

Contents

Federal Register

Vol. 90, No. 22

Tuesday, February 4, 2025

Separate Parts In This Issue

Reader Aids

Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

To subscribe to the Federal Register Table of Contents electronic mailing list, go to https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new, enter your e-mail address, then follow the instructions to join, leave, or manage your subscription.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

10 CFR
72 8861
Proposed Rules:
72 8910

14 CFR
39 (13 documents) 8866, 8868, 8870, 8874, 8876, 8879, 8885, 8889, 8891, 8893, 8896, 8901, 8903
71 (2 documents) 8906, 8908
Proposed Rules:
25 8912
39 (2 documents) 8914, 8915
71 8920

Rules and Regulations

Federal Register
Vol. 90, No. 22
Tuesday, February 4, 2025

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2024–0182]

RIN 3150–AL22

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM UMAX Canister Storage System, Certificate of Compliance No. 1040, Revision 1 to Amendment Nos. 0 Through 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Direct final rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is amending its spent fuel storage regulations by revising the Holtec International HI–STORM UMAX Canister Storage System listing within the ''List of approved spent fuel storage casks'' to include Revision 1 to Amendment Nos. 0 through 2 to Certificate of Compliance (CoC) No. 1040. Revision 1 to Amendment Nos. 0 through 2 updates the CoC appendix A technical specifications for radiation protection and the associated bases information to clearly articulate the basis for the dose rate limits for the closure lids, modify the dose rate limit values and the description of the location of the dose rate measurements, and make other editorial changes.

DATES: This direct final rule is effective April 21, 2025, unless significant adverse comments are received by March 6, 2025. If this direct final rule is withdrawn as a result of such comments, timely notice of the withdrawal will be published in the **Federal Register**. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date. Comments received on this direct final rule will also be considered to be comments on a companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register**.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2024–0182, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this direct final rule at *https://www.regulations.gov/docket/NRC-2024-0182.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: George Tartal, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–0016, email: *George.Tartal@nrc.gov* and Kristina Banovac, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–7116, email: *Kristina.Banovac@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0182 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0182. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228, email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0182 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information

before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

This rule is limited to the changes contained in Revision 1 to Amendment Nos. 0 through 2 to CoC No. 1040 and does not include other aspects of the Holtec International HI–STORM UMAX Canister Storage System design. The NRC is using the ''direct final rule procedure'' to issue this revision because it represents a limited and routine change to an existing CoC that is expected to be non-controversial. Adequate protection of public health and safety continues to be reasonably assured. The amendment to the rule will become effective on April 21, 2025. However, if the NRC receives any significant adverse comment on this direct final rule by March 6, 2025, then the NRC will publish a document that withdraws this action and will subsequently address the comments received in a final rule as a response to the companion proposed rule published in the Proposed Rules section of this issue of the **Federal Register** or as otherwise appropriate. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate a second comment period on this action.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, CoC, or technical specifications.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 6, 2015 (80 FR 12073), as corrected (80 FR 15679; March 25, 2015), that approved the Holtec International HI–STORM UMAX Canister Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1040.

IV. Discussion of Changes

On May 5, 2023, Holtec International (Holtec) submitted a request to the NRC to revise CoC No. 1040 Amendment Nos. 0 through 2. Holtec supplemented its request on the following dates: January 31, 2024, March 4, 2024, and June 26, 2024. Revision 1 to Amendment Nos. 0 through 2 updates CoC No. 1040 appendix A technical specifications for radiation protection and the associated bases information to clearly articulate the basis for the dose rate limits for the closure lids, and to modify the dose rate limit values and the description of the location of the dose rate measurements. This revision also makes other editorial changes. The changes to the aforementioned documents are identified with revision bars in the margin of each document.

As documented in the preliminary safety evaluation report, the NRC performed a safety evaluation of the proposed CoC revision request. The NRC determined that this revision does not reflect a significant change in design or fabrication of the cask. Specifically, the NRC determined that the design of the cask would continue to maintain confinement, shielding, and criticality control in the event of each evaluated accident condition. In addition, any resulting occupational exposure or offsite dose rates from the implementation of Revision 1 to Amendment Nos. 0 through 2 would remain well within the limits specified by 10 CFR part 20, ''Standards for Protection Against Radiation.'' Thus, the NRC found there will be no significant change in the types or amounts of any effluent released, no significant increase in the individual or cumulative radiation exposure, and no significant increase in the potential for or consequences from radiological accidents.

The NRC determined that the revised HI–STORM UMAX Canister Storage System design, when used under the conditions specified in the CoC, the technical specifications, and the NRC's regulations, will meet the requirements of 10 CFR part 72; therefore, adequate protection of public health and safety will continue to be reasonably assured. When this direct final rule becomes effective, persons who hold a general license under § 72.210 may, consistent with the license conditions under § 72.212, load spent nuclear fuel into Holtec International HI–STORM UMAX Canister Storage System casks that meet the criteria of Revision 1 to Amendment Nos. 0 through 2 to CoC No. 1040.

V. Voluntary Consensus Standards

The National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113) requires that Federal agencies use technical standards that are developed or adopted by voluntary consensus standards bodies unless the use of such a standard is inconsistent with applicable law or otherwise impractical. In this direct final rule, the NRC revises the Holtec International HI–STORM UMAX Canister Storage System design listed in § 72.214, ''List of approved spent fuel storage casks.'' This action does not constitute the establishment of a standard that contains generally applicable requirements.

VI. Agreement State Compatibility

Under the ''Agreement State Program Policy Statement'' approved by the Commission on October 2, 2017, and published in the **Federal Register** on October 18, 2017 (82 FR 48535), this rule is classified as Compatibility Category NRC—Areas of Exclusive NRC Regulatory Authority. The NRC program elements in this category are those that relate directly to areas of regulation reserved to the NRC by the Atomic Energy Act of 1954, as amended, or the provisions of 10 CFR chapter I. Therefore, compatibility is not required for program elements in this category.

VII. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885).

VIII. Environmental Assessment and Finding of No Significant Impact

Under the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions,'' the NRC has determined that this direct final rule, if adopted, would not be a major Federal action significantly affecting the quality of the human environment and, therefore, an environmental impact statement is not required. The NRC has made a finding of no significant impact on the basis of this environmental assessment.

A. The Action

The action is to amend § 72.214 to revise the Holtec International HI–STORM UMAX Canister Storage System listing within the ''List of approved spent fuel storage casks'' to include Revision 1 to Amendment Nos. 0 through 2 to CoC No. 1040.

B. The Need for the Action

This direct final rule revises the CoC for the Holtec International HI–STORM UMAX Canister Storage System design within the list of approved spent fuel storage casks to allow power reactor licensees to store spent fuel at reactor sites in casks with the approved modifications under a general license. Specifically, Revision 1 to Amendment Nos. 0 through 2 revises the CoC to update the CoC appendix A technical specifications for radiation protection and the associated bases information to clearly articulate the basis for the dose rate limits for the closure lids, modify the dose rate limit values and the description of the location of the dose rate measurements, and make other editorial changes.

C. Environmental Impacts of the Action

On July 18,1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent fuel under a general license in cask designs approved by the NRC. The potential environmental impact of using NRC-approved storage casks was analyzed in the environmental assessment for the 1990 final rule. The environmental assessment for this Revision 1 to Amendment Nos. 0 through 2 tiers off of the environmental assessment for the July 18, 1990, final rule. Tiering on past environmental assessments is a standard process under the National Environmental Policy Act of 1969, as amended.

The Holtec International HI–STORM UMAX Canister Storage System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an independent spent fuel storage installation, the type of facility at which a holder of a power reactor operating license would store spent fuel in casks in accordance with 10 CFR part 72, can include tornado winds and tornado-generated missiles, a design basis earthquake, a design basis flood, an accidental cask drop, lightning effects, fire, explosions, and other incidents.

This revision does not reflect a significant change in design or fabrication of the cask. Because there are no significant design or process changes, any resulting occupational exposure or offsite dose rates from the implementation of Revision 1 to Amendment Nos. 0 through 2 would remain well within the 10 CFR part 20 limits. The NRC has also determined that the design of the cask as modified by this rule would maintain confinement, shielding, and criticality control in the event of an accident. Therefore, the proposed changes will not result in any radiological or non-radiological environmental impacts that significantly differ from the environmental impacts evaluated in the environmental assessment supporting the July 18, 1990, final rule. There will be no significant change in the types or significant revisions in the amounts of any effluent released, no significant increase in the individual or cumulative radiation exposures, and no significant increase in the potential for, or consequences from, radiological accidents. The NRC documented its safety findings in the preliminary safety evaluation report.

D. Alternative to the Action

The alternative to this action is to deny approval of Revision 1 to Amendment Nos. 0 through 2 and not issue the direct final rule. Consequently, any 10 CFR part 72 general licensee that seeks to load spent nuclear fuel into the Holtec International HI–STORM UMAX Canister Storage System in accordance with the changes described in proposed Revision 1 to Amendment Nos. 0 through 2 would have to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, interested licensees would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee. The environmental impacts would be the same as the proposed action.

E. Alternative Use of Resources

Approval of Revision 1 to Amendment Nos. 0 through 2 to CoC No. 1040 would result in no irreversible and irretrievable commitments of Federal resources.

F. Agencies and Persons Contacted

No agencies or persons outside the NRC were contacted in connection with the preparation of this environmental assessment.

G. Finding of No Significant Impact

The environmental impacts of the action have been reviewed under the requirements in the National Environmental Policy Act of 1969, as amended, and the NRC's regulations in subpart A of 10 CFR part 51, ''Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions.'' Based on the foregoing environmental assessment, the NRC concludes that this direct final rule, ''List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM UMAX Canister Storage System, Certificate of Compliance No. 1040, Revision 1 to Amendment Nos. 0 through 2,'' will not have a significant effect on the human environment. Therefore, the NRC has determined that an environmental impact statement is not necessary for this direct final rule.

IX. Paperwork Reduction Act Statement

This direct final rule does not contain any new or amended collections of information subject to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). Existing collections of information were approved by the Office of Management and Budget, approval number 3150–0132.

Public Protection Notification

The NRC may not conduct or sponsor, and a person is not required to respond to, a request for information or an information collection requirement unless the requesting document displays a currently valid Office of Management and Budget control number.

X. Regulatory Flexibility Certification

Under the Regulatory Flexibility Act of 1980 (5 U.S.C. 605(b)), the NRC certifies that this direct final rule will not, if issued, have a significant economic impact on a substantial number of small entities. This direct final rule affects only nuclear power plant licensees and Holtec. These entities do not fall within the scope of the definition of small entities set forth in the Regulatory Flexibility Act or the size standards established by the NRC (§ 2.810).

XI. Regulatory Analysis

On July 18, 1990 (55 FR 29181), the NRC issued an amendment to 10 CFR part 72 to provide for the storage of spent nuclear fuel under a general license in cask designs approved by the NRC. Any nuclear power reactor licensee can use NRC-approved cask designs to store spent nuclear fuel if (1) it notifies the NRC in advance; (2) the spent fuel is stored under the conditions specified in the cask's CoC; and (3) the conditions of the general license are met. A list of NRC-approved cask designs is contained in § 72.214. On March 6, 2015 (80 FR 12073), as corrected (80 FR 15679; March 25, 2015), the NRC issued an amendment to 10 CFR part 72 that approved the Holtec International HI–STORM UMAX Canister Storage System by adding it to the list of NRC-approved cask designs in § 72.214.

On May 5, 2023, and as supplemented on January 31, 2024, March 4, 2024, and June 26, 2024, Holtec submitted a request to revise the HI–STORM UMAX Canister Storage System as described in Section IV, ''Discussion of Changes,'' of this document.

The alternative to this action is to withhold approval of Revision 1 to Amendment Nos. 0 through 2 and to require any 10 CFR part 72 general licensee seeking to load spent nuclear fuel into Holtec International HI–STORM UMAX Canister Storage System under the changes described in Revision 1 to Amendment Nos. 0 through 2 to request an exemption from the requirements of §§ 72.212 and 72.214. Under this alternative, each interested 10 CFR part 72 licensee would have to prepare, and the NRC would have to review, a separate exemption request, thereby increasing the administrative burden upon the NRC and the costs to each licensee.

Approval of this direct final rule is consistent with previous NRC actions. Further, as documented in the preliminary safety evaluation report and environmental assessment, this direct final rule will have no adverse effect on public health and safety or the environment. This direct final rule has no significant identifiable impact or benefit on other government agencies. Based on this regulatory analysis, the NRC concludes that the requirements of this direct final rule are commensurate with the NRC's responsibilities for public health and safety and the common defense and security. No other available alternative is believed to be as satisfactory; therefore, this action is recommended.

XII. Backfitting and Issue Finality

General licensees using CoC amendments that are being revised are required to meet the conditions of the revised CoC. The NRC added a condition to the revised CoC No. 1040 that requires the general licensee to implement the revised CoC within six months and perform written evaluations in accordance with 10 CFR 72.212(b)(5), which establish that the cask will conform to the terms, conditions, and specifications of the revised CoC. The six-month timeframe in the condition is considered a standard timeframe for implementation, consistent with the information in Regulatory Issue Summary 2017–05, ''Administration of 10 CFR part 72 Certificate of Compliance Corrections and Revisions.'' Additionally, the implementation timeframe was recognized by the applicant and the general licensee using this amendment (ML24178A111).

For the following reasons, the NRC has determined that this direct final rule does not constitute backfitting under 10 CFR 72.62, ''Backfitting.'' This direct final rule revises Amendment Nos. 0, 1, and 2 of CoC No. 1040 for the HI–STORM UMAX Canister Storage System, as currently listed in 10 CFR 72.214, ''List of approved spent fuel storage casks.'' Revision 1 to Amendment Nos. 0, 1, and 2 includes changes to CoC appendix A technical specifications for radiation protection and the associated bases information to clearly articulate the basis for the dose rate limits for the closure lids and modify the dose rate limit values and the description of the location of the dose rate measurements.

Holtec has manufactured casks under existing CoC No. 1040, Amendment Nos. 0, 1, or 2, that are being revised by this final rule. As the vendor, Holtec is not within the scope of the backfitting provisions in 10 CFR 72.62.

Under 10 CFR 72.62, general licensees are entities that are within the scope of the backfitting regulations. However, according to Holtec (ML24178A112), no general licensees are currently storing UMAX systems under CoC No. 1040, Amendment Nos. 1 and 2, which are, in part, the subject of these revisions. Therefore, because CoC No. 1040, Amendment Nos. 1 and 2 are not in use by a licensee, the changes in the revision to CoC No. 1040, Amendment Nos. 1 and 2, which are approved in this direct final rule do not fall within the definition of backfitting under 10 CFR 72.62.

Ameren Missouri at its Callaway Energy Center Independent Spent Fuel Storage Installation is the only general licensee using Amendment No. 0 that could be affected by the issuance of Revision 1 to Amendment No. 0. In its letters to Holtec (ML23125A246 and ML24178A113), Ameren Missouri stated that it intends to adopt and implement Revision 1 to Amendment No. 0. Because the licensee voluntarily intends to implement the revision, the issuance of Revision 1 to Amendment No. 0 does not fall within the definition of backfitting under 10 CFR 72.62.

XIII. Congressional Review Act

This direct final rule is not a rule as defined in the Congressional Review Act.

XIV. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No.
Proposed Certificate of Compliance and Technical Specifications Documents	
User Need Memo for Revision to Amendment Nos. 0, 1, and 2 of the Certificate of Compliance No. 1040 for the HI–STORM UMAX Canister Storage System.	ML24179A273
Preliminary Safety Evaluation Report for HI–STORM UMAX, CoC No. 1040, Revision to Amendment Nos. 0, 1, and 2	ML24179A263
Proposed CoC No. 1040, Amendment No. 0, Revision 1	ML24179A266
Proposed CoC No. 1040, Amendment No. 0, Revision 1, Appendix A	ML24179A264
Proposed CoC No. 1040, Amendment No. 0, Revision 1, Appendix B	ML24179A265
Proposed CoC No. 1040, Amendment No. 1, Revision 1	ML24179A269
Proposed CoC No. 1040, Amendment No. 1, Revision 1, Appendix A	ML24179A267
Proposed CoC No. 1040, Amendment No. 1, Revision 1, Appendix B	ML24179A268
Proposed CoC No. 1040, Amendment No. 2, Revision 1	ML24179A272
Proposed CoC No. 1040, Amendment No. 2, Revision 1, Appendix A	ML24179A270
Proposed CoC No. 1040, Amendment No. 2, Revision 1, Appendix B	ML24179A271
Holtec International, Inc. HI–STORM UMAX Canister Storage System Revision 1 to Amendment Nos. 0 through 2 Request Documents	
Letter, ''Holtec International—Submittal of Application for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated May 5, 2023.	ML23125A237
Letter, ''Holtec International, Submittal of RSI Responses for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated January 31, 2024.	ML24031A659
Letter, ''Holtec International, Submittal of RSI Supplemental Information for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated March 4, 2024.	ML24072A501
Letter, ''Supplement to Application for Revision to Amendment Nos. 0, 1, and 2 of Certificate of Compliance No. 1040 for HI–STORM UMAX,'' dated June 26, 2024.	ML24178A111
Ameren Missouri letter to Holtec, ''Attachment 8—General Licensee Letters Regarding Revisions,'' dated March 1, 2023	ML23125A246
Ameren Missouri letter to Holtec, ''Ameren Missouri's Intent to Adopt Revision 1 to Amendment 0 of Certificate of Compliance No. 1040 as applicable to the ISFSI at the Callaway Plant Site,'' dated June 6, 2024.	ML24178A113
Email Re: Supplement to Application for Revision to Amendment Nos. 0, 1, and 2 of CoC No. 1040 for HI–STORM UMAX, dated June 26, 2024.	ML24178A112

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2024–0182. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2024–0182); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

List of Subjects in 10 CFR Part 72

Administrative practice and procedure, Hazardous waste, Indians, Intergovernmental relations, Nuclear energy, Penalties, Radiation protection, Reporting and recordkeeping requirements, Security measures, Spent fuel, Whistleblowing.

For the reasons set out in the preamble and under the authority of the Atomic Energy Act of 1954, as amended; the Energy Reorganization Act of 1974, as amended; the Nuclear Waste Policy Act of 1982, as amended; and 5 U.S.C. 552 and 553; the NRC is adopting the following amendments to 10 CFR part 72:

PART 72—LICENSING REQUIREMENTS FOR THE INDEPENDENT STORAGE OF SPENT NUCLEAR FUEL, HIGH-LEVEL RADIOACTIVE WASTE, AND REACTOR-RELATED GREATER THAN CLASS C WASTE

■ 1. The authority citation for part 72 continues to read as follows:

Authority: Atomic Energy Act of 1954, secs. 51, 53, 57, 62, 63, 65, 69, 81, 161, 182, 183, 184, 186, 187, 189, 223, 234, 274 (42 U.S.C. 2071, 2073, 2077, 2092, 2093, 2095, 2099, 2111, 2201, 2210e, 2232, 2233, 2234, 2236, 2237, 2238, 2273, 2282, 2021); Energy Reorganization Act of 1974, secs. 201, 202, 206, 211 (42 U.S.C. 5841, 5842, 5846, 5851); National Environmental Policy Act of 1969 (42 U.S.C. 4332); Nuclear Waste Policy Act of 1982, secs. 117(a), 132, 133, 134, 135, 137, 141, 145(g), 148, 218(a) (42 U.S.C. 10137(a), 10152, 10153, 10154, 10155, 10157, 10161, 10165(g), 10168, 10198(a)); 44 U.S.C. 3504 note.

■ 2. In § 72.214, Certificate of Compliance No. 1040 is revised to read as follows:

§ 72.214 List of approved spent fuel storage casks.

* * * * *

Certificate Number: 1040.

Initial Certificate Effective Date: April 6, 2015, superseded by Initial Certificate, Revision 1 Effective Date: April 21, 2025.

Amendment Number 1 Effective Date: September 8, 2015, superseded by Amendment Number 1, Revision 1 Effective Date: April 21, 2025.

Amendment Number 2 Effective Date: January 9, 2017, superseded by Amendment Number 2, Revision 1 Effective Date: April 21, 2025.

Amendment Number 3 [Reserved]

Amendment Number 4 Effective Date: January 25, 2021.

SAR Submitted by: Holtec International, Inc.

SAR Title: Final Safety Analysis Report for the Holtec International HI–STORM UMAX Canister Storage System.

Docket Number: 72–1040.

Certificate Expiration Date: April 6, 2035.

Model Number: MPC–37, MPC–89.

* * * * *

Dated: January 16, 2025.

For the Nuclear Regulatory Commission.

Mirela Gavrilas,

Executive Director for Operations.

[FR Doc. 2025–02208 Filed 2–3–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2327; Project Identifier MCAI–2024–00233–T; Amendment 39–22926; AD 2025–01–02]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. This AD was prompted by a full-scale fatigue test that found cracks on the main landing gear (MLG) bay rear skin panel at the stringer run-out at Frame 46 and Stringer 32 on the left-hand and right-hand sides. This AD requires repetitive special detailed inspections (SDIs) of the affected area for cracking and applicable corrective actions, 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 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2327; 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–2024–2327.

FOR FURTHER INFORMATION CONTACT: Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email *timothy.p.dowling@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes; and Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes. The NPRM published in the **Federal Register** on October 8, 2024 (89 FR 81403). The NPRM was prompted by AD 2024–0089, dated April 15, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0089) (also referred to as the MCAI). The MCAI states that cracks were found on the MLG bay rear skin panel at stringer runout at Frame 46 and Stringer 32 on the left-hand and right-hand sides during a full-scale fatigue test. This condition, if not addressed, could lead to crack propagation, possibly resulting in reduced structural integrity of the airplane.

In the NPRM, the FAA proposed to require repetitive SDIs of the affected area for cracking and applicable corrective actions, as specified in EASA AD 2024–0089. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2327.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International (ALPA) and United Airlines, who supported the NPRM without change.

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

EASA AD 2024–0089 specifies procedures for repetitive SDIs of the MLG bay rear skin panel at the stringer run-out at Frame 46 and Stringer 32 on the left-hand and right-hand sides and applicable corrective actions. Corrective actions include crack repair. 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:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255 per inspection cycle.	$0	$255 per inspection cycle	$473,535 per inspection cycle.

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:

2025–01–02 Airbus SAS: Amendment 39–22926; Docket No. FAA–2024–2327; Project Identifier MCAI–2024–00233–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus SAS Model airplanes specified in paragraphs (c)(1) through (3) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0089, dated April 15, 2024 (EASA AD 2024–0089).

(1) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Model A320–211, –212, –214, –216, –231, –232, and –233 airplanes.

(3) Model A321–111, –112, –131, –211, –212, –213, –231, and –232 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a full-scale fatigue test that found cracks on the main landing gear (MLG) bay rear skin panel at the stringer run-out at Frame 46 and Stringer 32 on the left-hand and right-hand sides. The FAA is issuing this AD to detect potential fatigue cracking on the MLG bay rear skin panel at the stringer run-out at Frame 46 and Stringer 32 on the left-hand and right-hand sides. The unsafe condition, if not addressed, could lead to crack propagation, possibly resulting in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0089.

(h) Exceptions to EASA AD 2024–0089

(1) Where EASA AD 2024–0089 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2024–0089 specifies ''If, during any inspection as required by paragraph (1) of this AD, discrepancies are detected, as defined in the SB, before next flight, contact Airbus for approved repair instructions and accomplish those instructions accordingly,'' this AD requires replacing that text with ''If, during any inspection as required by paragraph (1) of this AD, any cracking is found, before next flight, repair the cracking using a method approved by the Manager, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0089.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0089 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

For more information about this AD, contact Tim Dowling, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3667; email: *timothy.p.dowling@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0089, dated April 15, 2024.

(ii) [Reserved]

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

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

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

Issued on December 31, 2024.

John P. Piccola, Jr.,

Director, Integrated Certificate Management Division, Aircraft Certification Service.

[FR Doc. 2025–02148 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2133; Project Identifier MCAI–2024–00243–T; Amendment 39–22922; AD 2024–26–07]

RIN 2120–AA64

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

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Embraer S.A. Model EMB–135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145EP, –145ER, –145LR, –145MP, –145MR, and –145XR airplanes. This AD was prompted by a structural assessment that indicated certain central fuselage longitudinal splices are subjected to fatigue damage on multiple sites due to loose fasteners, which may reduce the structural residual strength below the required levels. This AD requires performing repetitive inspections of certain upper central fuselage longitudinal splices and reporting the inspection results, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is incorporated by reference. This AD also requires performing corrective actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2133; 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.*
- 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–2024–2133.

FOR FURTHER INFORMATION CONTACT: Hassan Ibrahim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3653; email: *Hassan.M.Ibrahim@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 Embraer S.A. Model EMB–135ER, –135KE, –135KL, and –135LR airplanes; and Model EMB–145, –145EP, –145ER, –145LR, –145MP, –145MR, and –145XR airplanes. The NPRM published in the **Federal Register** on August 28, 2024 (89 FR 68840). The NPRM was prompted by AD 2024–04–03R01, effective May 31, 2024, issued by ANAC, which is the aviation authority for Brazil (ANAC AD 2024–04–03R01) (also referred to as the MCAI). The MCAI states that a structural assessment indicated that certain central fuselage longitudinal splices are subjected to fatigue damage on multiple sites due to working (*i.e.,* loose) fasteners, which could reduce structural residual strength below the required levels. This fatigue damage may be undetected by current maintenance tasks and could result in reduced structural integrity of the airplane.

In the NPRM, the FAA proposed to require performing repetitive inspections of certain upper central fuselage longitudinal splices and reporting the inspection results, as specified in ANAC AD 2024–04–03R01. The NPRM also proposed to require performing corrective actions if necessary. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2133.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from Embraer. The following presents the comment received on the NPRM and the FAA's response.

Request for Withdrawing the Proposed AD

Embraer requested the FAA withdraw the proposed AD. The commenter stated the proposed AD is based on the occurrence of nonconforming (loose, failed or missing) rivets detected in tests that exceeded applicable regulatory requirements, and there has been no in-service occurrence to prompt the structural assessment used to justify the proposed AD. The commenter stated that the maintenance plan for Model EMB–145 airplanes includes inspection tasks that allow for timely detection of nonconforming rivets. The commenter stated analysis related to working rivets show that the probability of failure of a rivet of fuselage longitudinal splices under operational conditions is less than one percent at 60,000 flight cycles. Embraer added that, assuming the additional inspections are necessary, the proposed inspection times are overly conservative. The commenter added that a significant reduction in the structural residual strength requires the

undetected failure of many rivets close to each other over a large area, which is improbable. The commenter concluded that the proposed AD creates an unnecessary burden for operators.

The FAA disagrees with the request. ANAC, as the state of design authority, has determined an unsafe condition exists and is likely to persist based on the data provided. ANAC reviewed current maintenance tasks and stated they are not adequate to address the unsafe condition. The FAA contacted ANAC, who stated an analysis was unable to establish the exact cause of failure; therefore, a conservative course of action is required. The FAA concurs with ANAC's determination. If ANAC later withdraws their AD due to concluding existing inspections are sufficient, the FAA may consider further rulemaking.

Additional Changes Made to This AD

The FAA revised paragraph (h)(3) of this AD to clarify that any discrepancy (including cracking) that is detected must be repaired. In the NPRM, the FAA inadvertently said that if cracking is found, the discrepancy (including cracking) must be repaired.

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

ANAC AD 2024–04–03R01 specifies an initial and repetitive external detailed inspections of the upper central fuselage II, III, and IV longitudinal splices to identify loose fasteners, contacting the manufacturer if any discrepancy is found, and reporting the inspection results. Discrepancies include loose fasteners, missing rivets, and any crack, crease, bend, nick, scratch, gouge, dent, abrasion, or structural deformation found in the skin attachments or fasteners. 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 this AD affects 309 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
4 work-hours × $85 per hour = $340 per inspection cycle.	$0	$340 per inspection cycle	$105,060 per inspection cycle.

The FAA has received no definitive data on which to base the cost estimates for the corrective actions specified in this AD.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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:

2024–26–07 Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.; Empresa Brasileira de Aeronáutica S.A. (EMBRAER)): Amendment 39–22922; Docket No. FAA–2024–2133; Project Identifier MCAI–2024–00243–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Embraer S.A. (Type Certificate previously held by Yaborã Indústria Aeronáutica S.A.; Embraer S.A.; Empresa Brasileira de Aeronáutica S.A. (EMBRAER)) airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category.

(1) Model EMB–135ER, –135KE, –135KL, and –135LR airplanes.

(2) Model EMB–145, –145EP, –145ER, –145LR, –145MP, –145MR, and –145XR airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a structural assessment that indicated certain central fuselage longitudinal splices are subjected to fatigue damage on multiple sites due to loose fasteners, which may reduce the structural residual strength below the required levels. The FAA is issuing this AD to address undetected fatigue damage on certain central fuselage longitudinal splices. 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) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, Agência Nacional de Aviação Civil (ANAC) AD 2024–04–03R01, effective May 31, 2024 (ANAC AD 2024–04–03R01).

(h) Exceptions to ANAC AD 2024–04–03R01

(1) Where ANAC AD 2024–04–03R01 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraphs (b)(1) and (2) of ANAC AD 2024–04–03R01 specify the initial compliance time for the external detailed inspection, for this AD, the initial compliance time for doing the external detailed inspection is prior to the accumulation of 44,000 total flight cycles, or within 500 flight cycles after the effective date of this AD, whichever occurs later.

(3) Where paragraph (b)(3) of ANAC AD 2024–04–03R01 specifies ''If any discrepancies are found, contact Embraer,'' this AD requires replacing that text with ''If any discrepancy (including cracking) is detected during an inspection required by paragraph (g) of this AD, repair the discrepancy (including cracking) before further flight using a method approved by the Manager, International Validation Branch, FAA; or ANAC; or Embraer's ANAC Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) Paragraph (d) of ANAC AD 2024–04–03R01 specifies to report inspection results to ANAC and Embraer within a certain compliance time. For this AD, report inspection results after each inspection required by paragraph (g) of this AD at the applicable times specified in paragraph (h)(4)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(5) This AD does not adopt paragraph (e) of ANAC AD 2024–04–03R01.

(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 ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(j) Additional Information

For more information about this AD, contact Hassan Ibrahim, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3653; email: *Hassan.M.Ibrahim@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) Agência Nacional de Aviação Civil (ANAC) AD 2024–04–03R01, effective May 31, 2024.

(ii) [Reserved]

(3) For ANAC material identified in this AD, 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.*

(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 6, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02144 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1299; Project Identifier MCAI–2023–00237–A; Amendment 39–22925; AD 2025–01–01]

RIN 2120–AA64

Airworthiness Directives; Britten-Norman Aerospace Ltd. Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Britten-Norman Aerospace Ltd. Model BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, BN2T–4R, and BN2T–4S airplanes; and certain Model BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes. This AD was prompted by the determination that, in order to ensure the continued structural integrity of certain landing gear and associated components, it is necessary to require removal of these components from service prior to exceeding established fatigue lives. This AD

requires determining the number of landings on affected main landing gears (MLGs), nose landing gears (NLGs), and associated components; removing from service any part that has reached or exceeded the established fatigue life and installing a replacement part; and prohibiting the installation of any affected part unless the number of landings for that part is below the established fatigue life. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No.FAA–2024–1299; 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 Britten-Norman material identified in this AD, contact Britten-Norman Aerospace Ltd., Bembridge Airport, Bembridge, Isle of Wight, UK, PO35 5PR; phone: +44 20 3371 4000; email: *customer.support@britten-norman.com;* website: *britten-norman.com/approvals-technical-publications.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–1299.

FOR FURTHER INFORMATION CONTACT: Beenal Desai, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (609) 485–9930; email: *beenal.desai@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 Britten-Norman Aerospace Ltd. Model BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, BN2T–4R, and BN2T–4S (Islander) airplanes; and Model BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 (Trislander) airplanes, fitted with landing gear and associated components manufactured by Fairey Hydraulics Ltd (FHL) and Britten-Norman Aircraft (BNA). The NPRM published in the **Federal Register** on May 17, 2024 (89 FR 43342). The NPRM was prompted by AD G–2023–0001, dated February 8, 2023, issued by Civil Aviation Authority (CAA), which is the aviation authority for the United Kingdom (UK) (UK CAA AD G–2023–0001) (also referred to as the MCAI). The MCAI states that to ensure the continued safe operation of certain Islander's and Trislander's NLG, MLG, and associated components, the manufacturer and the UK CAA determined that affected parts exceeding the established fatigue lives must be removed from service and that installation of parts that have reached their established fatigue lives must be prohibited.

In the NPRM, the FAA proposed to require determining the number of landings on affected MLGs, NLGs, and associated components; removing from service any part that has reached or exceeded the established fatigue life and installing a replacement part; and prohibiting the installation of any affected part unless the number of landings for that part is below the established fatigue life. The FAA is issuing this AD to address the unsafe condition on these products. Exceeding the established fatigue life, if not addressed, could result in failure of the structural integrity of the landing gear and associated components, which could result in damage to the airplane and injury to occupants.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1299.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one individual commenter. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request To Include a Method for Calculating Landings Per Flight Hour

The commenter stated that in the United States landings are not required to be tracked on general aviation or commercial use non turbo prop airplanes. The commenter also mentioned that AD 2002–25–03, Amendment 39–12978 (67 FR 76106, December 11, 2002) provides a calculation of 3 landings per flight hour to calculate the number of landings, but this calculation is not realistic for all airplane operations and should be re-evaluated. The commenter explained it is difficult to take off and land three times in an hour with taxi, loading, and unloading of passengers and cargo. The commenter stated that if a routine flight was 30 minutes to an hour, then 1 or 2 landings for 1 flight hour should be considered by the FAA. The FAA infers that the commenter is requesting that the NPRM be revised to include a method for calculating landings per flight hour.

The FAA partially agrees with the commenter's request. The FAA acknowledges that landings are not required to be tracked on domestic general aviation airplanes. The compliance time for this AD is based on the number of landings because the affected MLGs, NLGs, and associated components that are showing fatigue are used during landing operations.

The FAA revised paragraph (h)(1) of this AD to specify how to calculate for an unknown number of landings and requires using 3 landings per 1 hour time-in-service (TIS). The FAA disagrees with using the calculation of 1 or 2 landings per 1 hour TIS because the 3 landings per 1 hour TIS calculation is a conservative estimate and has been used in previous ADs. The FAA received information from Britten-Norman that supported using a calculation of 3 landings per 1 hour TIS. In addition, Britten-Norman does not have any data to substantiate decreasing the number of landings to 1 or 2 landings per 1 hour TIS. The FAA disagrees with referring to ''flight hours'' and is referring to TIS because ''flight hours'' are not defined in FAA regulations but TIS is defined in FAA regulations and is used with respect to maintenance records.

Request for Extension of Fatigue Life Landings by 30 Percent

The commenter requested that the FAA allow a 30-percent increase of the fatigue life values specified in Tables 1, 2, and 3 of Section 6 in Britten-Norman Service Bulletin SB 298, Issue 3, dated July 7, 2023 (Britten-Norman SB 298, Issue 3). The commenter stated that other countries allow the affected airplanes to operate with heavier gross weights than the United States allows, which reduces the fatigue lives of the affected components by shortening them. The commenter suggested a periodic eddy current inspection to determine the fatigue life value.

The FAA disagrees with both the commenter's request for a 30-percent fatigue life value increase and the commenter's suggestion to use a periodic eddy current inspection to determine the fatigue life value. The commenter did not provide substantiating data to support the requested changes. Britten-Norman provided the fatigue lives for the affected MLGs, NLGs, and associated components for the worldwide fleet based on its analysis of the unsafe condition and does not have data to substantiate increasing the fatigue life by 30-percent. The FAA agrees with this determination for airplanes on the U.S. registry. Operators may submit a proposal, with substantiating data, for revised requirements that affect the fatigue life value by requesting an alternative method of compliance (AMOC) using the procedures specified in paragraph (j) of this AD.

The FAA has not changed this AD regarding this comment.

Request for Compliance Time Based on Operating Environments and Conditions

The commenter stated that operating environments and conditions should also be considered when establishing compliance times. The commenter explained that these are excellent cargo and passenger airplanes and are flown all over the world in remote places with short, unimproved runways of dirt and gravel. The commenter stated that these are extreme operating conditions that most airplanes do not encounter and the comparison between airplanes operated in the United States and airplanes operated in other countries are not equal.

The FAA disagrees with the commenter's request to change the compliance time based on airplane operating environments and conditions. There is no current requirement to track the hours spent flying in different conditions. Additionally, operators may not know an airplane's entire flight or maintenance history. Without this detailed knowledge of each airplane, it would be impossible for the FAA to develop a special set of inspections based on airplane operating environments and conditions. However, operators may submit a proposal, with substantiating data, for revised requirements by requesting an AMOC using the procedures specified in paragraph (j) of this AD.

The FAA has not changed this AD regarding this comment.

Request To Allow Continued Use of Parts That Exceed Fatigue Life Until Replacement Parts Are Available

The commenter requested that the MLG, NLG, and associated components that exceed the fatigue lives specified in in Tables 1, 2, and 3 of Section 6 in Britten-Norman SB 298, Issue 3, be allowed to continue to be used in service until replacement parts are available. The commenter referred to paragraph 2, ''Corrective Action,'' of UK CAA AD G–2023–0001, which states ''Any main or nose landing gear or component which exceed the fatigue life stated in Tables 1, 2 or 3 must be withdrawn from service immediately.'' The commenter stated that if replacement parts are not available then the proposed AD would not only ground the fleet but close businesses that rely on these airplanes.

The FAA disagrees with allowing parts that exceed the fatigue life to be allowed in-service until replacement parts are available. While the FAA acknowledges the commenter's concern regarding immediately removing parts that exceed the specified fatigue lives from service, this AD does not require immediately removing from service affected parts that exceed the specified fatigue lives. Paragraph (h)(2) of this AD provides a grace period of 30 days after the effective date of this AD for replacing affected parts that exceed the specified fatigue lives. Britten-Norman has confirmed that the landing gear is still in production and spares are available. To the extent replacement parts may not be available, the FAA cannot base its AD action on whether replacement parts are available or can be produced. While every effort is made to avoid grounding airplanes, the FAA must address the unsafe condition. Operators may submit a proposal for revised requirements, with substantiating data, by requesting an AMOC using the procedures specified in paragraph (j) of this AD.

The FAA has not changed this AD regarding this comment.

Conclusion

These products have been approved by the aviation authority of another country and are 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 these products. Except for minor editorial changes and any changes described previously, this AD is adopted as proposed in the NPRM. None of the changes increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Britten-Norman SB 298, Issue 3. This material provides procedures for identifying the affected MLGs, NLGs, and associated components that need to have the number of landings tracked and provides the associated fatigue life. This material also specifies to remove from service any affected part that exceeds the specified fatigue life.

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 87 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
Determine the number of landings accumulated on affected MLGs, NLGs, and associated components.	1 work-hour × $85 per hour = $85.	$0	$85	$7,395.
Replace MLG	16 work-hours × $85 per hour = $1,360.	30,000	31,360	2,728,320.
Replace NLG	16 work-hours × $85 per hour = $1,360.	35,000	36,360	3,163,320.

ESTIMATED COSTS—Continued

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replace associated components	Up to 4 work-hours × $85 per hour = $340.	4,000	Up to 4,340	Up to 377,580.

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:

2025–01–01 Britten-Norman Aerospace Ltd.: Amendment 39–22925; Docket No. FAA–2024–1299; Project Identifier MCAI–2023–00237–A.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Britten-Norman Aerospace Ltd. airplanes, certificated in any category, fitted with Fairey Hydraulics Ltd or Britten-Norman Aircraft landing gear and associated landing gear components, identified in paragraphs (c)(1) and (2) of this AD.

(1) Model BN–2, BN–2A, BN–2A–2, BN–2A–3, BN–2A–6, BN–2A–8, BN–2A–9, BN–2A–20, BN–2A–21, BN–2A–26, BN–2A–27, BN–2B–20, BN–2B–21, BN–2B–26, BN–2B–27, BN–2T, BN2T–4R, and BN2T–4S airplanes.

(2) Model BN2A MK. III, BN2A MK. III–2, and BN2A MK. III–3 airplanes.

(d) Subject

Joint Aircraft System Component (JASC) Code 3200, Landing Gear System.

(e) Unsafe Condition

This AD was prompted by the determination that in order to ensure the continued structural integrity of certain landing gear and associated components, it is necessary to require removal of these components from service prior to exceeding established fatigue lives. Exceeding the established fatigue life, if not addressed, could result in failure of the structural integrity of the landing gear and associated components, which could result in damage to the airplane and injury to occupants.

(f) Compliance

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

(g) Definitions

For the purpose of this AD:

(1) An ''affected part'' is a main landing gear (MLG), nose landing gear (NLG), or component identified in Table 1, 2, or 3 of Section 6 in Britten-Norman SB 298, Issue 3, dated July 7, 2023 (Britten-Norman SB 298, Issue 3).

(2) A ''part eligible for installation'' is an MLG, NLG, or component with a part that has been established to be below the associated fatigue life identified in Table 1, 2, or 3 of Section 6 in Britten-Norman SB 298, Issue 3.

(h) Required Actions

(1) Within 30 days after the effective date of this AD, determine the number of landings accumulated on the affected parts. For an unknown number of landings, calculate the number based on 3 landings per 1 hour time-in-service.

(2) Before accumulating the number of landings (fatigue life) associated with the applicable affected part as identified in Table 1, 2, or 3 of Section 6 in Britten-Norman SB 298, Issue 3, or within the next 30 days after the effective date of this AD, whichever occurs later, replace any affected part with a part eligible for installation.

(3) Thereafter, replace any affected part with a part eligible for installation before accumulating the fatigue life, as identified in Table 1, 2, or 3 of Section 6 in Britten-Norman SB 298, Issue 3.

(i) Parts Installation Limitation

As of the effective date of this AD, do not install a MLG, NLG, or associated component unless it is a part eligible for installation.

(j) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD or email to: *AMOC@faa.gov.* If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(k) Additional Information

For more information about this AD, contact Beenal Desai, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (609) 485–9930; email: *beenal.desai@faa.gov.*

(l) Material Incorporated by Reference

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

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

(i) Britten-Norman Service Bulletin SB 298, Issue 3, dated July 7, 2023.

(ii) [Reserved]

(3) For Britten-Norman material identified in this AD, contact Britten-Norman Aerospace Ltd., Bembridge Airport, Bembridge, Isle of Wight, UK, PO35 5PR; phone: +44 20 3371 4000; email: *customer.support@britten-norman.com;* website: *britten-norman.com/approvals-technical-publications.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on January 2, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–02187 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0017; Project Identifier MCAI–2024–00706–R; Amendment 39–22951; AD 2025–03–03]

RIN 2120–AA64

Airworthiness Directives; Leonardo S.p.a. Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Leonardo S.p.a. Model A109E, A109K2, A109S, AB412, AB412 EP, AB139, and AW139 helicopters. This AD was prompted by a report that certain rescue hoist cable assemblies may be equipped with a defective ball end. This AD requires inspecting certain rescue hoist cable assemblies and, depending on the results, replacing the rescue hoist cable assembly. This AD also allows installing certain rescue hoist cable assemblies and certain rescue hoists provided its requirements are met. These actions are 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 February 19, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 19, 2025.

The FAA must receive comments on this AD by March 21, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0017; 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 street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu*; website: *easa.europa.eu*. You may find the EASA material on the EASA website at *ad.easa.europa.eu*.
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0017.

FOR FURTHER INFORMATION CONTACT: Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–0017; Project Identifier MCAI–2024–00706–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov*. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0228, dated November 29, 2024 (EASA AD 2024–0228) (also referred to as the MCAI), to correct an unsafe condition on Leonardo S.p.A. Model AB412, AB412EP, A109E, A109K2, A109S, AB139, and AW139 helicopters. The

MCAI states the manufacturer reported that a defective testing tool was used during production, repair, and overhaul of certain recue hoist cable assemblies resulting in assemblies equipped with a defective ball end.

The FAA is issuing this AD to detect and address defective rescue hoist cable assembly ball ends. This unsafe condition, if not addressed, could lead to failure of the rescue hoist cable assembly, possibly resulting in injuries to a human load, or to persons on ground.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0017.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0228, which requires, for helicopters with certain rescue hoists installed, a one-time inspection of the rescue hoist cable assembly and, depending on the results, replacing the rescue hoist cable assembly. EASA AD 2024–0228 also allows installing certain rescue hoist cable assemblies on any helicopter provided it is new (never previously installed on a rescue hoist) and allows installing certain rescue hoists on any helicopter provided it passes its required inspection.

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

FAA's Determination

These products have been approved by the aviation authority of another country and are 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 about the unsafe condition described in the MCAI. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of these same type designs.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2024–0228, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2024–0228 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024–0228 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0228 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0228. Material required by EASA AD 2024–0228 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0017 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the rescue hoist assembly is essential during rescue operations and failure of this assembly could result in a failed rescue attempt and injury to a person being lifted or persons on the ground. Additionally, the FAA has no information pertaining to the extent of the defect in the rescue hoist assembly that may currently exist in helicopters or how quickly the condition may propagate to failure, therefore, the initial actions required by this AD must be accomplished before next rescue hoist operation. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects up to 422 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs to comply with this AD.

Inspecting a rescue hoist cable assembly will take 2 work-hours for an estimated cost of $170 per helicopter and up to $71,740 for the U.S. fleet. If required, replacing a rescue hoist cable assembly will take 1 work-hours and parts will cost $10,218 for an estimated cost of $10,303 per helicopter.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska.

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:

2025–03–03 Leonardo S.p.a.: Amendment 39–22951; Docket No. FAA–2025–0017; Project Identifier MCAI–2024–00706–R.

(a) Effective Date

This airworthiness directive (AD) is effective February 19, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Leonardo S.p.a. Model A109E, A109K2, A109S, AB412, AB412 EP, AB139, and AW139 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a report that certain rescue hoist cable assemblies may be equipped with a defective ball end. The FAA is issuing this AD to detect and address defective rescue hoist cable assembly ball ends. This unsafe condition, if not addressed, could result in failure of the rescue hoist cable assembly, in-flight failure of the rescue hoist, and subsequent injury to a person being lifted or to persons on the ground.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0228, dated November 29, 2024 (EASA AD 2024–0228).

(h) Exceptions to EASA AD 2024–0228

(1) Where EASA AD 2024–0228 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0228 defines the ''affected rescue hoist,'' this AD requires replacing that definition with ''Any rescue hoist, as identified in Table 2 of EASA AD 2024–0228, either manufactured, repaired, or overhauled by Breeze-Eastern's main facility in Whippany, New Jersey before April 8, 2024 and which has not had the rescue hoist cable replaced since then, and any rescue hoist, as identified in Table 2 of EASA AD 2024–0228, if the date of manufacture, repair, or overhaul cannot be determined.''

(3) Where paragraph (2) of EASA AD 2024–0228 states ''any discrepancy is detected, as defined in the ASB,'' this AD requires replacing that text with ''there is any gouging.''

Note 1 to paragraph (h)(3): The material referenced in EASA AD 2024–0228 provides an illustration of gouging.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0228.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0228 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permit

Special flight permits may be issued under 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished provided that the rescue hoist is not used.

(k) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) 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 local Flight Standards District Office/certificate holding district office.

(l) Related Information

For more information about this AD, contact Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov*.

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0228, dated November 29, 2024.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on January 27, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–02249 Filed 1–31–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1303; Project Identifier AD–2023–01252–T; Amendment 39–22933; AD 2025–01–09]

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 787–8, 787–9, and 787–10 airplanes. This AD was prompted by a report of operators receiving No. 1 flight compartment windows that may not meet type design requirements for withstanding a bird impact. This AD requires replacing affected No. 1 flight compartment windows and prohibits the installation

of affected windows. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1303; 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–2024–1303.

FOR FURTHER INFORMATION CONTACT: Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *Joseph.J.Hodgin@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 787–8, 787–9, and 787–10 airplanes. The NPRM published in the **Federal Register** on May 20, 2024 (89 FR 43794). The NPRM was prompted by a report of operators receiving No. 1 flight compartment windows that may not meet type design requirements for withstanding a bird impact. In the NPRM, the FAA proposed to require replacing affected No. 1 flight compartment windows and prohibit the installation of affected windows. The FAA is issuing this AD to prevent a window from spalling in the event of a high-energy bird impact. The unsafe condition, if not addressed, could result in injuries to crew that may affect continued safe flight and landing.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from three commenters, Air Line Pilots Association, International (ALPA), Boeing Commercial Airplanes, and United Airlines, who supported the NPRM without change.

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, 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 B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023. This material specifies procedures for determining whether a left or right No. 1 flight compartment window with certain part numbers and serial numbers is installed and for replacing any window that has an affected part number and serial number.

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 152 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 airplane	Cost on U.S. operators
Inspect right and left No. 1 windows	0.25 work-hour × $85 per hour = $21.25	$0	$21.25	$3,230

The FAA estimates the following costs to do any replacement that would be required based on the results of the inspection. The agency has no way of determining the number of airplanes that might need these replacements or how many replacements each airplane may require:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per airplane
Replace No. 1 window	16 work-hours × $85 per hour = $1,360	$104,060	$105,420 per window.

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:

2025–01–09 The Boeing Company: Amendment 39–22933; Docket No. FAA–2024–1303; Project Identifier AD–2023–01252–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 56, Windows.

(e) Unsafe Condition

This AD was prompted by a report that certain No.1 flight compartment windows may not meet type design requirements for withstanding a bird impact due to the elimination of a witness test specimen and process changes that affect main bondline strength. The FAA is issuing this AD to prevent a window from spalling in the event of a high-energy bird impact. The unsafe condition, if not addressed, could result in injuries to crew that may affect continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

For airplanes identified in Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023: Except as specified in paragraph (h) of this AD, at the applicable times specified in the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB560010–00, Issue 001, dated December 13, 2023, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023.

(h) Exceptions to Service Information Specifications

Where the ''Boeing Recommended Compliance Time'' column in the tables under the ''Compliance'' paragraph of Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023, uses the phrase ''the Issue 001 date of the Requirements Bulletin B787–81205–SB560010–00 RB,'' this AD requires using the effective date of this AD.

(i) Parts Installation Prohibition

As of the effective date of this AD, do not install on any airplane a No. 1 flight compartment window part number 190800–11, –12, –13, –14, –15, –16, –19, or –20, with a serial number listed in Appendix A of Boeing Alert Requirements Bulletin B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023.

(j) 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 (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 Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: *Joseph.J.Hodgin@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraphs (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 B787–81205–SB560010–00 RB, Issue 001, dated December 13, 2023.

(ii) [Reserved]

(3) For the 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 13, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02143 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2136; Project Identifier AD–2023–00296–T; Amendment 39–22930; AD 2025–01–06]

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) 2019–14–13, which applies to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. AD 2019–14–13 required identifying the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and performing applicable on-condition actions for affected seats. AD 2019–14–13 also required a one-time detailed inspection and repetitive checks of the horizontal movement system (HMS) of the Captain's and First Officer's seats, and applicable on-condition actions. AD 2019–14–13 also provided an optional terminating action for the repetitive actions for certain seats. This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. This AD retains the actions in AD 2019–14–13 and adds an inspection of previously omitted part numbers. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2136; 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; phone 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–2024–2136.

FOR FURTHER INFORMATION CONTACT: Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3986; email *Courtney.K.Tuck@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2019–14–13, Amendment 39–19691 (84 FR 38855, August 8, 2019) (AD 2019–14–13). AD 2019–14–13 applied to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes. The NPRM published in the **Federal Register** on September 9, 2024 (89 FR 73003). The NPRM was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. In the NPRM, the FAA proposed to continue to require the actions in AD 2019–14–13 and add an inspection of previously omitted part numbers. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. An uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Air Line Pilots Association, International, Boeing, United Airlines, United Parcel Service Co., and three individuals, who supported the NPRM without change.

The FAA received additional comments from Aviation Partners Boeing, Delta Airlines, and an individual. The following presents the comments received on the NPRM and the FAA's response to each comment.

Request for Phased Compliance Period for Smaller Carriers

A individual commenter requested that the FAA provide a phased compliance period for smaller carriers and operators to allow them to plan inspections, repairs, and parts replacement without causing significant operational disruptions, especially for smaller fleets that may lack immediate access to specialized parts and labor.

The FAA disagrees to provide a phased compliance period for smaller carriers. The compliance time set is standard across the entire affected fleet to ensure an adequate level of safety and is not dependent on the fleet size of each operator. The FAA has not changed this AD as a result of this comment.

Request To Enhance Acceptable Methods of Compliance

An individual commenter requested for the FAA to enhance the clarity of acceptable methods of compliance for operators using alternative maintenance programs. The commenter would like more concrete examples of compliance pathways, such as best practices for tracking seat conditions and recurring HMS inspections, to foster consistency across operators. The commenter added that it would also be helpful to publish detailed service guidelines on aligning seat part replacements with standard maintenance cycles to prevent unnecessary downtime.

The FAA disagrees. Best practices and service guidelines to resolve the unsafe condition identified in an AD are typically provided by service information generated by the design approval holder. Operators may request approval of alternative methods of compliance with the requirements of an AD provided the alternative methods address the unsafe condition and provide an adequate level of safety. Guidance on requirements and best practices can be found in FAA Orders and Manuals. The FAA has not changed this AD as a result of this comment.

Effect of Winglets on Accomplishment of the Proposed Actions

Aviation Partners Boeing stated that the installation of winglets per Supplemental Type Certificate (STC) ST01920SE does not affect compliance with the proposed actions.

The FAA agrees with the commenter that STC ST01920SE does not affect the accomplishment of the manufacturer's service instructions, as noted in paragraph (c)(2) of the proposed AD. Therefore, the installation of STC 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 Revise Applicability

The applicability in paragraph (c)(1) of the proposed AD included all Model 767–200, –300, –300F, and –400ER series airplanes. Delta Airlines noted that Boeing Special Attention Service Bulletins 767–25–0539 and 767–25–0549, both Revision 2, dated January 27, 2023, refer only to Ipeco Captain's and First Officer's seats. Delta requested a revision to the applicability of the proposed AD to be more specific by limiting the applicability to those airplanes equipped with powered Ipeco Captain's and First Officer's seat part number series 3A090 and 3A258 as specified in the ''Compliance,'' paragraph of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023.

The FAA disagrees to revise paragraph (c) as suggested by Delta Airlines. All airplanes are included because it is required per paragraph (g) to inspect the part number, and serial number as applicable, of the Captain's and First Officer's seats to determine if the on-condition actions are applicable. The FAA has not changed this AD as a result of this comment.

Change to Proposed AD

In the proposed AD, the first two column headings in figure 1 to paragraph (j) were ''Installation per Boeing Special Attention Service Bulletin'' and ''And installation per IPECO Service Bulletin.'' Since these documents are provided for guidance to the operators on how to comply with a safety issue, those column headings have been changed in this AD to ''Actions done in accordance with Boeing Special Attention Service Bulletin'' and ''Actions done in accordance with Ipeco Service Bulletin,'' respectively.

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 Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023. This material specifies procedures for identification of the part number, and the serial number if applicable, of the Captain's and First Officer's seats, and applicable on-condition actions. On-condition actions include an inspection of each seat's fore and aft and vertical manual control levers for looseness, installation of serviceable seats, and a seat operational test after any cable adjustment. This material also adds Ipeco seat part numbers 3A258–0007–01–1Z, 3A258–0008–01–1Z, 3A258–0041–01–1Z, 3A258–0042–01–1Z, and 3A090–0078–04–1. This material also adds Ipeco seat part numbers 3A090–0078–03–1 and 3A090–0078–05–1, that were previously removed in Boeing Special Attention Service Bulletin 767–25–0539, Revision 1, dated January 9, 2014.

The FAA also reviewed Boeing Special Attention Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023. This material specifies procedures for a detailed inspection and repetitive checks of the HMS (including for any Artus part and amendment numbers of the horizontal actuator of the HMS) for the Captain's and First Officer's seats for findings (*e.g.,* evidence of cracks, scores, corrosion, dents, deformation, or visible wear; and incorrectly assembled microswitch assemblies, actuators, and limit switches), and applicable on-condition actions. The on-condition actions include clearing the seat tracks of foreign object debris (FOD), overhauling the HMS, and replacing the horizontal actuator. The material also describes procedures for an optional terminating action for the repetitive checks by installing a serviceable Captain's or First Officer's seat. The service information adds Ipeco seat part number 3A090–0078–03–1, 3A090–0078–04–1, and 3A090–0078–05–1.

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

ESTIMATED COSTS FOR REQUIRED ACTIONS PER SEAT

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Identification, seat (retained actions from AD 2019–14–13).	1 work-hour × $85 per hour = $85	$0	$85	$117,980.
Detailed inspection, HMS (retained actions from AD 2019–14–13).	1 work-hour × $85 per hour = $85	0	$85	Up to $117,980.
Checks, HMS (retained from AD 2019–14–13).	2 work-hours × $85 per hour = $170, per check cycle.	0	$170, per check cycle.	Up to $235,960, per check cycle.

The FAA estimates the following costs to do any on-condition actions that will be required. The FAA has no way of determining the number of aircraft that might need these on-condition actions:

ESTIMATED COSTS OF ON-CONDITION ACTIONS *

Action	Labor cost	Parts cost	Cost per product
Adjustment, control lever cable	1 work-hour × $85 per hour = $85	$0	$85.
Overhaul, HMS	11 work-hours × $85 per hour = $935	Up to $5,824	Up to $6,759.
Inspection of each seat's fore/aft and vertical manual control levers.	1 work-hour × $85 per hour = $85 per seat.	$0	$85 per seat.
Installation of serviceable seats	1 work-hour × $85 per hour = $85 per seat.	$0	$85 per seat.

ESTIMATED COSTS OF ON-CONDITION ACTIONS *—Continued

Action	Labor cost	Parts cost	Cost per product
Clearing FOD	1 work-hour × $85 per hour = $85 per seat.	$0	$85 per seat.
Replacement of the horizontal actuator	1 work-hour × $85 per hour = $85 per actuator.	$7,937 per actuator	$8,022 per actuator.
Operational test, adjusted control lever cable	1 work-hour × $85 per hour = $85 per seat.	$0	$85 per seat.

* The estimated cost for tooling to align an affected seat for adjustment of the control lever cable is up to $46,064.

The FAA has received no definitive data that would enable the FAA to provide cost estimates for the optional terminating action for the repetitive checks 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:

■ a. Removing Airworthiness Directive (AD) 2019–14–13, Amendment 39–19691 (84 FR 38855, August 8, 2019); and

■ b. Adding the following new AD:

2025–01–06 The Boeing Company: Amendment 39–22930; Docket No. FAA–2024–2136; Project Identifier AD–2023–00296–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

This AD replaces AD 2019–14–13, Amendment 39–19691 (84 FR 38855, August 8, 2019) (AD 2019–14–13).

(c) Applicability

(1) This AD applies to all The Boeing Company Model 767–200, –300, –300F, and –400ER series airplanes, certificated in any category.

(2) Installation of Supplemental Type Certificate (STC) ST01920SE does not affect the ability to accomplish the actions required by this AD. Therefore, for airplanes on which STC ST01920SE 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 25, Equipment/furnishings.

(e) Unsafe Condition

This AD was prompted by reports of uncommanded fore and aft movement of the Captain's and First Officer's seats. The FAA is issuing this AD to address uncommanded fore and aft movement of the Captain's and First Officer's seats. The unsafe condition, if not addressed, could result in an uncommanded fore or aft seat movement during a critical part of a flight, such as takeoff or landing, and could cause a flight control obstruction or unintended flight control input, which could result in the loss of the ability to control the airplane.

(f) Compliance

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

(g) Seat Part Number Identification and On-Condition Actions

Except as specified in paragraphs (i) and (j) of this AD: At the applicable time specified in the ''Compliance,'' paragraph of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023, do an inspection to determine the part number, and serial number as applicable, of the Captain's and First Officer's seats, and all applicable on-condition actions, in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023. A review of airplane maintenance records is acceptable in lieu of this inspection if the part number and serial number of the Captain's and First Officer's seats can be conclusively determined from that review.

(h) Detailed Inspection, and Repetitive Checks of Horizontal Movement System and On-Condition Actions

Except as specified by paragraphs (i) and (j) of this AD: At the applicable times specified in the ''Compliance,'' paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, do all applicable actions identified as ''RC'' (required for compliance) in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023. Actions identified as terminating action in Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, terminate the applicable required actions of this AD, provided the terminating action is done in accordance with the Accomplishment Instructions of Boeing Special Attention Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023.

(i) Exceptions to Service Information Specifications

(1) Where the ''Compliance'' paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023,

refers to the original issue date of the service bulletin, this AD requires using September 12, 2019 (the effective date of AD 2019–14–13).

(2) Where the ''Compliance'' paragraph of Boeing Special Attention Bulletin 767–25–0549, Revision 2, dated January 27, 2023, refers to the Revision 2 date of the service bulletin, this AD requires using the effective date of this AD.

(3) Where the ''Compliance'' paragraph of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023, refers to within 72 months after the original issue date of the service bulletin, this AD requires using within 36 months after September 12, 2019 (the effective date of AD 2019–14–13).

(4) Where the ''Compliance'' paragraph of Boeing Special Attention Bulletin 767–25–0539, Revision 2, dated January 27, 2023, refers to the Revision 2 date of the service bulletin, this AD requires using the effective date of this AD.

(j) Acceptable Conditions for Compliance

If the airplane records show that an Ipeco Captain's or First Officer's seat meets all criteria specified in any row in figure 1 to paragraph (j) of this AD, the actions specified in paragraphs (g) and (h) of this AD are not required for that seat.

BILLING CODE 4910–13–P

Figure 1 to Paragraph (j)—Alternative Acceptable Seats

Actions done in accordance with Boeing Special Attention Service Bulletin –	And actions done in accordance with Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
767-25-0539, Revision 1, dated July 17, 2018	None	3A258-0041-01-2 or 3A258-0042-01-2	No additional conditions required.
767-25-0539, Revision 1, dated July 17, 2018	098-25-03, Issue 1, dated October 2, 2013; or Issue 2, dated March 28, 2014, or Issue 3, dated March 4, 2020	3A090-0025-01-1 or 3A090-0026-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-95, Revision 16, dated September 6, 2013, or subsequent revisions up to and including Revision 25, dated July 12, 2023.
767-25-0539, Revision 1, dated July 17, 2018	210-25-04, Issue 1, dated November 4, 2013; or Issue 2, dated March 28, 2014; or Issue 3, dated March 3, 2020	3A090-0077-01-1, 3A090-0077-02-1, 3A090-0078-01-1, 3A090-0078-02-1, 3A090-0078-03-1, 3A090-0078-04-1, or 3A090-0078-05-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-10-78, Revision 20, dated September 12, 2013, or subsequent revisions up to and including Revision 29, dated October 13, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0007-01-1 or 3A258-0008-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-26, Revision 16, dated September 12, 2013, or subsequent revisions up to and including Revision 40, dated December 4, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletins.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 4, dated April 25, 2014; or Issue 5, dated March 4, 2020; or Issue 6, dated January 28, 2021	3A258-0041-01-1 or 3A258-0042-01-1	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 38, dated December 2, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0007-01-1Z or 3A258-0008-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-26, Revision 16, dated September 12, 2013, or subsequent revisions up to and including Revision 40, dated December 4, 2023.
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	Does not have a serial number identified by the effectivity of the referenced Ipeco Service Bulletin.

Actions done in accordance with Boeing Special Attention Service Bulletin –	And actions done in accordance with Ipeco Service Bulletin –	Having Ipeco P/N –	And additional required conditions –
767-25-0539, Revision 1, dated July 17, 2018	258-25-08, Issue 6, dated January 28, 2021	3A258-0041-01-1Z or 3A258-0042-01-1Z	The manual override cable maintenance has been completed on the seat in accordance with the Ipeco Component Maintenance Manual 25-11-38, Revision 21, dated December 12, 2013, or subsequent revisions up to and including Revision 38, dated December 2, 2023.
767-25-0549, Revision 1, dated August 10, 2018	None	3A258-0007-01-2, 3A258-0007-01-1Z, 3A258-0008-01-2, 3A258-0008-01-1Z, 3A258-0041-01-2, 3A258-0041-01-1Z, 3A258-0042-01-2, or 3A258-0042-01-1Z	No additional conditions required.
767-25-0549, Revision 1, dated August 10, 2018	258-25-13, Issue 3, dated November 27, 2017; or Issue 4, dated April 28, 2020; or Issue 5, dated November 1, 2021	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-14, Issue 4, dated January 9, 2018; or Issue 5, dated April 28, 2020	3A258-0041-01-1 or 3A258-0042-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-15, Issue 4, dated February 16, 2018; or Issue 5, dated April 29, 2020; or Issue 6, dated November 1, 2021	3A258-0007-01-1 or 3A258-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.
767-25-0549, Revision 1, dated August 10, 2018	258-25-16, Issue 4, dated September 11, 2017; or Issue 5, dated April 29, 2020	3A258-0007-01-1 or 3A258-0008-01-1	Has a horizontal actuator with Artus part number AD8650503 at "Amendment C" or later.

BILLING CODE 4910–13–C

(k) 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 (l) 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.

(4) AMOCs approved for AD 2019–14–13 are approved as AMOCs for the corresponding provisions of Boeing Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023, and Boeing Special Attention Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023, that are required by paragraphs (g) and (h) of this AD.

(5) For service information that contains steps that are labeled as Required for Compliance (RC), the provisions of paragraphs (k)(5)(i) and (ii) of this AD apply.

(i) The steps labeled as RC, including substeps under an RC step and any figures identified in an RC step, must be done to comply with the AD. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep. An AMOC is required for any deviations to RC steps, including substeps and identified figures.

(ii) Steps not labeled as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the RC steps, including substeps and identified figures, can

still be done as specified, and the airplane can be put back in an airworthy condition.

(l) Related Information

For more information about this AD, contact Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone 206–231–3986; email *Courtney.K.Tuck@faa.gov.*

(m) 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 Special Attention Service Bulletin 767–25–0539, Revision 2, dated January 27, 2023.

(ii) Boeing Special Attention Service Bulletin 767–25–0549, Revision 2, dated January 27, 2023.

(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; phone 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 6, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02146 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–0471; Project Identifier MCAI–2023–01213–T; Amendment 39–22920; AD 2024–26–05]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, C4–605R Variant F, F4–605R, and F4–622R airplanes; Model A310 series airplanes; Model A318, A319, A320, and A321 series airplanes; Model A330–200, –200 Freighter, and –300 series airplanes; Model A330–841 and –941 airplanes; and Model A340–211, –212, –213, –311, –312, –313, –541, and –642 airplanes. This AD was prompted by chemical oxygen generators that failed to activate in service and during maintenance activities. This AD requires replacing affected oxygen generators and prohibits the installation of affected parts, 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 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–0471; 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–2024–0471.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@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 Airbus SAS Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, C4–620, C4–605R Variant F, F4–605R and F4–622R airplanes, Model 300 F4–608ST airplanes, Model A310–203, –203C, –204, –221, –222, –304, –308, –322, –324, and –325 airplanes, Model A318–111, –112, –121, and –122 airplanes, Model A319–111, –112, –113, –114, –115, –131, –132, –133, –151N, –153N, and –171N airplanes, Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes, Model A321–111, –112, –131, –211, –212, –213, –231, –232, –251N, –252N, –253N, –271N, –272N, –251NX, –252NX, –253NX, –271NX, and –272NX airplanes, Model A330–201, –202, –203, –223, –243, –223F, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –743L, –841, and –941 airplanes, and Model A340–211, –212, –213, –311, –312, –313, –541, –542, –642, and –643 airplanes. Model A300 F4–608ST, A300 C4–620, A310–203C, A310–308, A320–215, A330–743L, A340–542, and A340–643 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The NPRM published in the **Federal Register** on March 22, 2024 (89 FR 20360). The NPRM was prompted by AD 2023–0209, dated November 22, 2023, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2023–0209). EASA AD 2023–0209 states occurrences were reported of chemical oxygen generators failing to activate in service and during maintenance activities. Subsequent investigations identified poor reactivity of the start powder used inside the oxygen generator. This condition, if not corrected, could lead to a reduction of the available oxygen capacity of the airplane, possibly resulting in injury to the airplane occupants.

In the NPRM, the FAA proposed to require replacing affected oxygen generators, as specified in EASA AD 2023–0209. The NPRM also proposed to prohibit the installation of affected parts. The FAA is issuing this AD to address the unsafe condition on these products.

Actions Since the NPRM Was Issued

Since the FAA issued the NPRM, EASA superseded EASA AD 2023–0209

and issued EASA AD 2024–0198, dated October 18, 2024 (EASA AD 2024–0198) (also referred to as the MCAI), to correct an unsafe condition for the airplanes identified in EASA AD 2023–0209, as well as Model A321–253NY airplanes. The MCAI states that a new airplane model (A321–253NY) has been certified, and although affected parts could be installed on Model A321–253NY airplanes in service, no Model A321–253NY airplane has yet been delivered to operators. The MCAI also states that for airplanes previously affected by EASA AD 2023–0209, this EASA AD retains the requirements of that AD, with no additional actions.

The FAA has confirmed that there are no Model A321–253NY airplanes on the U.S. Register, and no new actions are required by EASA AD 2024–0198. Therefore, the FAA has revised paragraphs (g) and (h)(1) of this AD to refer to EASA AD 2024–0198.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–0471.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Delta Air Lines (Delta) and United Airlines (United). The following presents the comments received on the NPRM and the FAA's response to each comment.

Requests To Remove Requirement To Return Parts

Delta and United requested removal of the requirement to return affected oxygen generators to Collins Aerospace, as specified in paragraph (h)(3) of the proposed AD. Delta stated that oxygen generators removed before the effective date of the AD will have already been shipped for offsite disposal in accordance with Delta's procedures,[1] which specify that an oxygen generator removed as unserviceable and not intended to be reinstalled on an airplane is manually activated to allow the release of oxygen prior to shipment for offsite disposal.

Delta added that the service information referenced in EASA AD 2023–0209 specifies to return affected oxygen generators to Collins Aerospace with the instruction ''DO NOT activate the generator (it must be shipped not activated, but secured with safety pin, for the purpose of the investigation).'' Delta stated that this instruction will result in significant changes to current procedures that comply with DOT HM224B and hazardous waste disposal requirements, and may also infringe on some state-specific hazardous waste requirements.

United concurred with the requirements of the proposed AD, except for the requirement to ship affected oxygen generators to the original equipment manufacturer (OEM). United stated that transporting discrepant oxygen generators increases the risk to an operator of being noncompliant with HAZMAT/DG regulations.[2] United asserted that returning suspect oxygen generators would not enhance the level of safety for airline operators, but would do the opposite. According to United, Collins Aerospace confirmed that their testing showed that the suspect failure condition has been contained to a few lots, and that the return of suspect units from participating operators will further validate the containment of the total population of affected units. United therefore concluded that the return of affected oxygen generators should be voluntary.

The FAA agrees to remove the requirement to return affected oxygen generators to Collins Aerospace due to the risk of noncompliance with HAZMAT/DG regulations. Although EASA has indicated that returning affected parts will help determine the cause of the unsafe condition, the FAA has determined that the data obtained from the returned parts does not outweigh the risk of noncompliance with HAZMAT/DG regulations. Therefore, paragraph (h)(4) of this AD has been revised to only require reporting inspection results to the OEM.

Request To Specify AMM Task for Oxygen Generator Replacement

Delta requested that an exception be added to specify the applicable AMM task required to replace affected generators for oxygen container/generator removal and installation. Paragraph (1) of EASA AD 2023–0209 specifies replacing affected parts in accordance with the instructions of the AOT. The AOT referenced in EASA AD 2023–0209 requires in paragraph 5.6 that operators remove and replace the affected oxygen generator in accordance with Collins Aerospace Service Bulletin XXCXX–35–001, dated October 6, 2023, and AMM instructions for removal/installation of the emergency oxygen generators. Because both instructions are required for compliance, and because the instructions do not provide the exact same instructions, Delta stated it is difficult to determine which instructions to follow. Delta asserted that AMM tasks for removing the affected units provide standard practices to effectively replace the oxygen generator, and no additional instructions from the Collins service bulletin are necessary. Additionally, many operators, including Delta, have supplemental type certificates (STCs) for interior modifications that might involve replacing the oxygen container with an oxygen panel or some other part label. These STCs will have separate instructions from those called out in the AOT, but they can still contain affected oxygen generators and therefore must be inspected.

The FAA agrees with the request, for the reasons provided by the commenter. The replacement required by this AD can be done using the applicable AMM task for oxygen container/generator removal and installation. The FAA has added paragraph (h)(4) to this AD to specify that where the service information referenced in EASA AD 2024–0198 specifies a method of compliance for removal and installation of the oxygen container/generator in accordance with the service information or aircraft maintenance manual, for this AD, either method is acceptable.

Request To Clarify Mandatory RC Steps

Paragraph (1) of EASA AD 2023–0209 specified replacing affected parts in accordance with ''the instructions of the AOT,[3]'' but the exception in paragraph (h)(2) of the proposed AD specified replacing affected parts in accordance with ''paragraph 5.6 of the AOT.'' Because paragraphs 5.1, 5.4, 5.5, and 5.6 of the AOT are RC (required for compliance), Delta noted a potential conflict in paragraph (i)(3) of the proposed AD, which stated ''if any service information referenced in EASA AD 2023–0209 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD.'' Delta therefore requested that the proposed AD clarify whether only paragraph 5.6 of the AOT would be required, or whether paragraphs 5.1, 5.4, and 5.5 are would also be required.

The FAA provides the following clarification. The FAA acknowledges that paragraph (i)(3) of the proposed AD should also have included an exception to paragraph (h)(2) of the proposed AD

[1] Delta follows Federal Aviation Regulations (Reference DOT HM–224B (49 CFR parts 173, 175 and 178)) and federal and local hazardous waste disposal for handling and shipping requirements.

[2] 49 CFR 173.168.

[3] EASA AD 2023–0209 defines the AOT as Airbus All Operators Transmission (AOT) A35L021–23, AOT A35N020–23, and AOT A35W022–23, all dated October 10, 2023.

(paragraph (h)(3) in this AD). The FAA has revised paragraph (i)(3) of this AD accordingly.

Request for Revised/Alternative Identification Criteria

Delta requested that an exception be added to the proposed AD to allow operators to identify affected units by the part number (PN) and date of manufacture, instead of the part number and serial number as specified in EASA AD 2023–0209. EASA AD 2023–0209 defines an affected part as ''any chemical oxygen generator having part number (PN) E63320–00, PN E63340–00 or PN E63440–00 and a serial number (SN) BEBJF002–XXX, BEBJ–F007–XXX, BEBJ–F008–XXX or BEBJ–F011–XXX (where 'XXX' represents any numerical sequence and is the specific number of this generator).'' Delta stated that Collins Aerospace, Airbus, and EASA have verified that the list of affected oxygen generator part numbers and serial numbers correspond to units manufactured in 2010. Delta asserted that chemical oxygen generators are life limited by the FAA and therefore tracked based on the date of manufacture. Therefore, Delta requested using the conservative criterion of the date of manufacturer to identify affected oxygen generators.

The FAA disagrees with the request. The FAA has found no clear correlation between the date of manufacture and the OEM's serial number. Therefore, to ensure that all affected units are correctly identified, operators must use serial numbers, as specified in EASA AD 2024–0198.

Request To Clarify Serviceable Parts

Delta requested that an additional exception be added to the proposed AD to further clarify parts eligible for installation, using the EASA AD definition of serviceable part: ''any oxygen generator, eligible for installation, which is not an affected part.'' Delta noted, however, that paragraph 5.6 of the AOT requires that an affected generator be replaced by an unaffected oxygen generator ''with the same PN,'' with no requirement that it should not be an affected part and restricting it to the same part number.

The FAA agrees with the request. The FAA has revised paragraph (h)(3) of this AD to specify to replace each affected part with an oxygen generator, eligible for installation, which is not an affected part.

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0198 specifies procedures for replacing affected oxygen generators, which includes reporting and returning affected parts to the manufacturer. EASA AD 2024–0198 also prohibits the installation of affected parts. 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 **ADDRESSES**.

Costs of Compliance

The FAA estimates that this AD affects 1,975 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Replacement	1 work-hour × $85 per hour = $85	$500	$585	$585 per oxygen generator.*
Reporting	1 work-hour × $85 per hour = $85	0	85	$167,875.

* Based upon various airplane sizes and configurations there could, on average, be 30 affected generators per airplane.

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

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:

2024–26–05 Airbus SAS: Amendment 39–22920; Docket No. FAA–2024–0471; Project Identifier MCAI–2023–01213–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS airplanes, certificated in any category, identified in paragraphs (c)(1) through (8) of this AD.

(1) Model A300 B4–601, B4–603, B4–620, B4–622, B4–605R, B4–622R, C4–605R Variant F, F4–605R, and F4–622R airplanes.

(2) Model A310–203, –204, –221, –222, –304, –322, –324, and –325 airplanes.

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

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

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

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

(7) Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841, and –941 airplanes.

(8) Model A340–211, –212, –213, 311, –312, –313, –541, and –642 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by reported occurrences of chemical oxygen generators failing to activate in service and during maintenance activities. The FAA is issuing this AD to address poor reactivity of the start powder used inside the affected oxygen generators. The unsafe condition, if not addressed, could lead to a reduction of the available oxygen capacity of the airplane and could result in injury to airplane occupants.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0198, dated October 18, 2024 (EASA AD 2024–0198).

(h) Exceptions to EASA AD 2024–0198

(1) Where EASA AD 2024–0198 refers to December 6, 2023 (the effective date of EASA AD 2023–0209, dated November 22, 2023), this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0198 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2024–0198 specifies to ''replace each affected part with a serviceable part in accordance with the instructions of the AOT,'' this AD requires replacing that text with ''replace each affected part with an oxygen generator, eligible for installation, which is not an affected part, in accordance with paragraph 5.6 of the AOT.''

(4) Where the service information referenced in EASA AD 2024–0198 specifies a method of compliance for removal and installation of the oxygen container/generator in accordance with the service information or aircraft maintenance manual, for this AD, either method is acceptable.

(5) The service information referenced in EASA AD 2024–0198 specifies to report inspection results to Airbus and return affected oxygen generators to Collins Aerospace. For this AD, reporting inspection results is required at the applicable time specified in paragraph (h)(5)(i) or (ii) of this AD, but returning affected oxygen generators to Collins Aerospace is not required by this AD.

(i) If the affected oxygen generator was replaced on or after the effective date of this AD: Submit the report within 40 days after the replacement.

(ii) If the affected oxygen generator was replaced before the effective date of this AD: Submit the report within 40 days after the effective date of this AD.

(6) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0198.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

(3) *Required for Compliance (RC):* Except as required by paragraphs (h)(3), (h)(4), and (i)(2) of this AD, if any service information referenced in EASA AD 2024–0198 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *dan.rodina@faa.gov.*

(k) Material Incorporated by Reference

(1) The Director of the Federal Register approved the incorporation by reference (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) European Union Aviation Safety Agency (EASA) AD 2024–0198, dated October 18, 2024.

(ii) [Reserved]

(3) For EASA AD 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 EASA AD on the EASA website at *ad.easa.europa.eu.*

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

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

Issued on December 19, 2024.

Suzanne Masterson,

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

[FR Doc. 2025–02133 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2325; Project Identifier AD–2024–00412–E; Amendment 39–22927; AD 2025–01–03]

RIN 2120–AA64

Airworthiness Directives; CFM International, S.A. Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain CFM International, S.A. (CFM) Model LEAP–1A and LEAP–1C engines. This AD was prompted by an investigation of an in-flight shut down event that revealed the aft arm of the high-pressure turbine (HPT) rotor interstage seal had failed. This AD requires removal from service and replacement of the HPT rotor interstage seal for LEAP–1A engines. Since the HPT rotor interstage seal part number is interchangeable between LEAP–1A and LEAP–1C engines, this AD also prohibits installation of these affected parts onto any LEAP–1A or LEAP–1C engine. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2325; 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 CFM material identified in this AD, contact CFM, GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–2325.

FOR FURTHER INFORMATION CONTACT: Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@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 CFM Model LEAP–1A and LEAP–1C engines. The NPRM published in the **Federal Register** on October 2, 2024 (89 FR 80155). The NPRM was prompted by a report of an in-flight shutdown caused by turbine blades that had broken and metal that entered the exhaust. A manufacturer investigation later revealed that the aft arm of the HPT rotor interstage seal had failed due to a non-conforming surface condition in the fillet area coupled with higher-than-expected operating stress due to friction. In the NPRM, the FAA proposed to require removal from service and replacement of the HPT rotor interstage seal. Since the HPT rotor interstage seal part number is interchangeable between LEAP–1A and LEAP–1C engines, the NPRM also proposed to prohibit installation of these affected parts onto any LEAP–1A or LEAP–1C engine. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from Airline Pilots Association International (ALPA), StandardAero, an individual commenter, and an anonymous commenter. All commenters supported the NPRM without change.

Conclusion

The FAA reviewed the relevant data, considered the comments received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following CFM material:

- CFM Service Bulletin (SB) LEAP–1A–72–00–0525–01A–930A–D, Issue 002–00, dated June 28, 2024, which provides the serial numbers (S/Ns) of the affected HPT rotor interstage seals for LEAP–1A engines.
- CFM SB LEAP–1C–72–00–0124–01A–930A–D, Issue 001–00, dated September 5, 2024, which provides the S/Ns of the affected HPT rotor interstage seals that are excluded from installation onto LEAP–1C engines.

This material also includes instructions for removal and installation of the HPT rotor interstage seal. 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 56 engines installed on 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
Replace HPT rotor interstage seal	12 work-hours × $85 per hour = $1,020	$195,000	$196,020	$10,977,120

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:

2025–01–03 CFM International, S.A.: Amendment 39–22927; Docket No. FAA–2024–2325; Project Identifier AD–2024–00412–E.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to the following CFM International, S.A. (CFM) engines:

(1) Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A engines.

(2) Model LEAP–1C28, LEAP–1C30, and LEAP–1C30B1 engines.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by an investigation of an in-flight shut down event that revealed the aft arm of the high-pressure turbine (HPT) rotor interstage seal had failed. The FAA is issuing this AD to prevent failure of the HPT rotor interstage seal. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

(1) For LEAP–1A engines having an HPT rotor interstage seal installed with a part number (P/N) and serial number (S/N) listed in Table 1 of CFM Service Bulletin (SB) LEAP–1A–72–00–0525–01A–930A–D, Issue 002–00, dated June 28, 2024 (CFM SB LEAP–1A–72–00–0525–01A–930A–D Issue 002–00), at the next engine shop visit or before exceeding the applicable cyclic threshold in table 1 to paragraph (g)(1) of this AD, whichever occurs first after the effective date of this AD, remove the affected HPT rotor interstage seal from service and replace with a part eligible for installation.

TABLE 1 TO PARAGRAPH (g)(1)—REMOVAL THRESHOLDS FOR EACH ENGINE MODEL

Engine model	Removal cyclic threshold
LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26E1, LEAP–1A29, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, and LEAP–1A35A.	11,100 cycles since new (CSN) accumulated on the affected part.
LEAP–1A26CJ and LEAP–1A29CJ	9,700 CSN accumulated on the affected part.

(2) For LEAP–1A engines having an HPT rotor interstage seal installed with a P/N and S/N listed in Table 2 of CFM SB LEAP–1A–72–00–0525–01A–930A–D Issue 002–00, at the next piece part exposure or before exceeding the applicable cyclic threshold in table 1 to paragraph (g)(1) of this AD, whichever occurs first after the effective date of this AD, remove the affected HPT rotor interstage seal from service and replace with a part eligible for installation.

(h) Installation Prohibition

(1) After the effective date of this AD, do not install an HPT rotor interstage seal having a P/N and S/N listed in Table 1 or Table 2 of CFM SB LEAP–1A–72–00–0525-01A–930A–D Issue 002–00, in any LEAP–1A engine.

(2) After the effective date of this AD, do not install an HPT rotor interstage seal having a P/N and S/N listed in Table 1 of CFM SB LEAP–1C–72–00–0124–01A–930A–D, Issue 001–00, dated September 5, 2024, in any LEAP–1C engine.

(i) Definitions

For the purpose of this AD:

(1) ''LEAP–1A engines'' are CFM Model LEAP–1A23, LEAP–1A24, LEAP–1A24E1, LEAP–1A26, LEAP–1A26CJ, LEAP–1A26E1, LEAP–1A29, LEAP–1A29CJ, LEAP–1A30, LEAP–1A32, LEAP–1A33, LEAP–1A33B2, LEAP–1A35A engines.

(2) ''LEAP–1C engines'' are CFM Model LEAP–1C28, LEAP–1C30, and LEAP–1C30B1 engines.

(3) A ''part eligible for installation'' is any HPT rotor interstage seal having a P/N and S/N that is not listed in Table 1 or Table 2 of CFM SB LEAP–1A–72–00–0525–01A–930A–D Issue 002–00.

(4) An ''engine shop visit'' is the induction of an engine into the shop for maintenance involving the separation of major mating engine flanges, except for the separation of engine flanges solely for the purposes of transportation without subsequent engine maintenance.

(5) A ''piece-part exposure'' is when the HPT rotor interstage seal is separated from the HPT rotor assembly.

(j) Alternative Methods of Compliance (AMOCs)

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

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

(k) Additional Information

For more information about this AD, contact Mehdi Lamnyi, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7743; email: *mehdi.lamnyi@faa.gov.*

(l) 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) CFM Service Bulletin LEAP–1A–72–00–0525–01A–930A–D, Issue 002–00, dated June 28, 2024.

(ii) CFM Service Bulletin LEAP–1C–72–00–0124–01A–930A–D, Issue 001–00, dated September 5, 2024.

(3) For CFM material identified in this AD, contact CFM, GE Aviation Fleet Support, 1 Neumann Way, M/D Room 285, Cincinnati, OH 45215; phone: (877) 432–3272; email: *aviation.fleetsupport@ge.com.*

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

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

Issued on January 30, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02204 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2141; Project Identifier MCAI–2024–00421–T; Amendment 39–22931; AD 2025–01–07]

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) 2022–11–01, which applied to certain Airbus SAS Model A300 series airplanes; Model A300 B4–600, B4–600R, and F4–600R series airplanes; and Model A300 C4–605R Variant F airplanes (collectively called Model A300–600 series airplanes). AD 2022–11–01 required a detailed inspection (DET) of the main landing gear (MLG) support rib 5 lower flange, a fluorescent penetrant inspection (FPI) around the spot facing of certain fastener holes if necessary, and applicable corrective actions. This AD was prompted by the determination that additional airplanes are affected by the unsafe condition. This AD continues to require the actions in AD 2022–11–01 and adds airplanes to the applicability, 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 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2141; 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–2024–2141.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3225; email: *Dan.Rodina@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–11–01, Amendment 39–22051 (87 FR 32292, May 31, 2022) (AD 2022–11–01). AD 2022–11–01 applied to certain Airbus SAS Model A300 and A300–600 series airplanes. AD 2022–11–01 required a one-time DET of the MLG support rib 5 lower flange, inboard and outboard of rib 5, on the right-hand and left-hand sides (*i.e.,* affected area); a one-time FPI around the spot facing of certain fastener holes if necessary; and applicable corrective actions. The FAA issued AD 2022–11–01 to address cracking in the affected area that, if not detected and corrected, could affect the structural integrity of the airplane.

The NPRM published in the **Federal Register** on September 16, 2024 (89 FR 75507). The NPRM was prompted by AD 2024–0145, dated July 23, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0145) (also referred to as the MCAI). The MCAI states certain airplanes were excluded from the applicability of EASA AD 2021–0190, dated August 17, 2021 (corresponds to AD 2022–11–01)

on the assumption they were withdrawn from service. At least one of those airplanes later returned to service and there is no evidence the other airplanes were scrapped or dismantled so the possibility exists they could also return to service. For these reasons, the applicability was expanded to include those airplanes.

Also, since the FAA issued AD 2022–11–01, FAA Type Certificate A35EU was updated to remove Airbus SAS Model A300 B2–1A, B2–1C, B2K–3C, and B2–203 airplanes. The FAA therefore has removed those airplanes from the applicability of this AD.

In the NPRM, the FAA proposed to continue to require the actions in AD 2022–11–01 and add airplanes to the applicability, as specified in EASA AD 2024–0145. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2141.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from two commenters, The Air Line Pilots Association, International (ALPA) and FedEx Express, who supported the NPRM without change.

Change Made to This AD

The unsafe condition in paragraph (e) of this AD has been revised to include the action that prompted 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 comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0145 specifies procedures for a one-time DET of the affected area, a one-time FPI around the spot facing of certain fastener holes in the affected area if no crack is detected during the DET, and obtaining and following approved repair instructions if any crack is found during the DET or FPI. EASA AD 2024–0145 also updated the applicability of affected airplanes.

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 124 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
23 work-hours × $85 per hour = $1,955	$0	$1,955	$242,420

The FAA estimates the following costs to replace any cracked rib that are required, based on the results of any required actions and repair status. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
Up to 1,500 work-hours × $85 per hour = $127,500	$620,000	Up to $747,500.

The FAA has received no definitive data on which to base the cost estimates for the repair 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:

■ a. Removing Airworthiness Directive (AD) 2022–11–01, Amendment 39–22051 (87 FR 32292, May 31, 2022); and

■ b. Adding the following new AD:

2025–01–07 Airbus SAS: Amendment 39–22931; Docket No. FAA–2024–2141; Project Identifier MCAI–2024–00421–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

This AD replaces AD 2022–11–01, Amendment 39–22051 (87 FR 32292, May 31, 2022).

(c) Applicability

This AD applies to Airbus SAS airplanes identified in paragraphs (c)(1) through (5) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0145, dated July 23, 2024 (EASA AD 2024–0145).

(1) Model A300 B4–2C, B4–103, and B4–203 airplanes.

(2) Model A300 B4–601, B4–603, B4–620, and B4–622 airplanes.

(3) Model A300 B4–605R and B4–622R airplanes.

(4) Model A300 C4–605R Variant F airplanes.

(5) Model A300 F4–605R and F4–622R airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 57, Wings.

(e) Unsafe Condition

This AD was prompted by reports of cracking in the main landing gear (MLG) support rib 5 lower flange, inboard and outboard of rib 5, on the right-hand and left-hand sides, and the determination that additional airplanes are affected by the unsafe condition. The FAA is issuing this AD to address cracking of the MLG support rib 5 lower flange. This condition, if not detected and corrected, could affect the structural integrity 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, EASA AD 2024–0145.

(h) Exceptions to EASA AD 2024–0145

(1) Where EASA AD 2024–0145 refers to August 31, 2021 (the effective date of EASA AD 2021–0190), this AD requires using July 5, 2022 (the effective date of AD 2022–11–01, Amendment 39–22051 (87 FR 32292, May 31, 2022)).

(2) Where EASA AD 2024–0145 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (3) of EASA AD 2024–0145 specifies to ''accomplish those instructions accordingly'' if any crack is detected, for this AD if any crack is detected, the crack must be repaired before further flight using a method approved by the Manager, International Validation 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.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0145.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or responsible Flight Standards Office, as appropriate. If sending information directly to the manager of the Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov.*

(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) Airbus Statement of Airworthiness Compliance (ASAC) 80955386/006/2021, Issue 1, dated August 25, 2021; and ASAC 80955386/024/2022, Issue 1, dated February 25, 2022, are approved as AMOCs for the corresponding provisions of this AD for the airplanes identified in those ASACs only.

(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 DOA. If approved by the DOA, the approval must include the DOA-authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraph (i)(2) of this AD, if any material referenced in EASA AD 2024–0145 contains paragraphs that are labeled as RC, the instructions in RC paragraphs, including subparagraphs under an RC paragraph, must be done to comply with this AD; any paragraphs, including subparagraphs under those paragraphs, that are not identified as RC are recommended. The instructions in paragraphs, including subparagraphs under those paragraphs, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC.

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3225; email: *Dan.Rodina@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0145, dated July 23, 2024.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th 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 6, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02145 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0018; Project Identifier MCAI–2024–00749–R; Amendment 39–22952; AD 2025–03–04]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all

Airbus Helicopters Model AS332L, AS332L1, AS 365 N3, SA–365C1, SA–365C2, SA–365N, and SA–365N1 helicopters. This AD was prompted by a report that certain rescue hoist cable assemblies may be equipped with a defective ball end. This AD requires inspecting certain rescue hoist cable assemblies and, depending on the results, replacing the rescue hoist cable assembly. This AD also allows installing certain rescue hoist cable assemblies and certain rescue hoists provided its requirements are met. These actions are 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 February 19, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of February 19, 2025.

The FAA must receive comments on this AD by March 21, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0018; 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 street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2025–0018.

FOR FURTHER INFORMATION CONTACT: Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–0018; Project Identifier MCAI–2024–00749–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0244, dated December 13, 2024 (EASA AD 2024–0244) (also referred to as the MCAI), to correct an unsafe condition on Airbus Helicopters Model AS 332 L, AS 332 L1, SA 365 N, SA 365 N1, AS 365 N3, SA 365 C1, SA 365 C2, and SA 365 C3 helicopters. The MCAI states the manufacturer reported that a defective testing tool was used during production, repair, and overhaul of certain recue hoist cable assemblies resulting in assemblies equipped with a defective ball end.

The FAA is issuing this AD to detect and address defective rescue hoist cable assembly ball ends. This unsafe condition, if not addressed, could lead to failure of the rescue hoist cable assembly, possibly resulting in injuries to a human load, or to persons on ground.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0018.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0244, which requires, for helicopters with certain rescue hoists installed, a one-time inspection of the rescue hoist cable assembly and, depending on the results, replacing the rescue hoist cable assembly. EASA AD 2024–0244 also allows installing certain rescue hoist cable assemblies on any helicopter provided it is new (never previously installed on a rescue hoist) and allows installing certain rescue hoists on any helicopter provided it passes its required inspection.

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

FAA's Determination

These products have been approved by the aviation authority of another country and are 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 about the unsafe condition described in the MCAI. The FAA is issuing this AD after determining that the unsafe condition described previously is likely to exist or develop on other products of these same type designs.

AD Requirements

This AD requires accomplishing the actions specified in EASA AD 2024–

0244, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between This AD and the MCAI.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, EASA AD 2024–0244 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024–0244 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0244 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0244. Material required by EASA AD 2024–0244 for compliance will be available at *regulations.gov* under Docket No. FAA–2025–0018 after this AD is published.

Differences Between This AD and the MCAI

The MCAI applies to Model SA 365 C3 helicopters, whereas this AD does not because that model is not FAA type-certificated.

Justification for Immediate Adoption and Determination of the Effective Date

Section 553(b) of the Administrative Procedure Act (APA) (5 U.S.C. 551 *et seq.*) authorizes agencies to dispense with notice and comment procedures for rules when the agency, for ''good cause,'' finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' Under this section, an agency, upon finding good cause, may issue a final rule without providing notice and seeking comment prior to issuance. Further, section 553(d) of the APA authorizes agencies to make rules effective in less than thirty days, upon a finding of good cause.

An unsafe condition exists that requires the immediate adoption of this AD without providing an opportunity for public comments prior to adoption. The FAA has found that the risk to the flying public justifies forgoing notice and comment prior to adoption of this rule because the rescue hoist assembly is essential during rescue operations and failure of this assembly could result in a failed rescue attempt and injury to a person being lifted or persons on the ground. Additionally, the FAA has no information pertaining to the extent of the defect in the rescue hoist assembly that may currently exist in helicopters or how quickly the condition may propagate to failure, therefore, the initial actions required by this AD must be accomplished before next rescue hoist operation. Accordingly, notice and opportunity for prior public comment are impracticable and contrary to the public interest pursuant to 5 U.S.C. 553(b).

In addition, the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days, for the same reasons the FAA found good cause to forgo notice and comment.

Regulatory Flexibility Act

The requirements of the Regulatory Flexibility Act (RFA) do not apply when an agency finds good cause pursuant to 5 U.S.C. 553 to adopt a rule without prior notice and comment. Because the FAA has determined that it has good cause to adopt this rule without prior notice and comment, RFA analysis is not required.

Costs of Compliance

The FAA estimates that this AD affects up to 227 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates that operators may incur the following costs to comply with this AD.

Inspecting a rescue hoist cable assembly will take 2 work-hours for an estimated cost of $170 per helicopter and up to $38,590 for the U.S. fleet. If required, replacing a rescue hoist cable assembly will take 1 work-hours and parts will cost $10,218 for an estimated cost of $10,303 per helicopter.

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

(2) Will not affect intrastate aviation in Alaska

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:

2025–03–04 Airbus Helicopters: Amendment 39–22952; Docket No. FAA–2025–0018; Project Identifier MCAI–2024–00749–R.

(a) Effective Date

This airworthiness directive (AD) is effective February 19, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model AS332L, AS332L1, AS 365 N3, SA–365C1, SA–365C2, SA–365N, and SA–365N1 helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2500, Cabin Equipment/Furnishings.

(e) Unsafe Condition

This AD was prompted by a report that certain rescue hoist cable assemblies may be equipped with a defective ball end. The FAA is issuing this AD to detect and address defective rescue hoist cable assembly ball ends. This unsafe condition, if not addressed, could result in failure of the rescue hoist cable assembly, in-flight failure of the rescue hoist, and subsequent injury to a person being lifted or to persons on the ground.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0244, dated December 13, 2024 (EASA AD 2024–0244).

(h) Exceptions to EASA AD 2024–0244

(1) Where EASA AD 2024–0244 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0244 defines the ''affected rescue hoist,'' this AD requires replacing that definition with ''Any rescue hoist, as identified in Table 2 of EASA AD 2024–0244, either manufactured, repaired, or overhauled by Breeze-Eastern's main facility in Whippany, New Jersey before April 8, 2024 and which has not had the rescue hoist cable replaced since then, and any rescue hoist, as identified in Table 2 of EASA AD 2024–0244, if the date of manufacture, repair, or overhaul cannot be determined.''

(3) Where paragraph (2) of EASA AD 2024–0244 states ''any discrepancy is detected, as defined in the ASB,'' this AD requires replacing that text with ''there is any gouging.''

Note 1 to paragraph (h)(3): The material referenced in EASA AD 2024–0244 provides an illustration of gouging.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0244.

(i) No Reporting Requirement

Although the material referenced in EASA AD 2024–0244 specifies to submit certain information to the manufacturer, this AD does not require that action.

(j) Special Flight Permit

Special flight permits may be issued under 14 CFR 21.197 and 21.199 to operate the helicopter to a location where the requirements of this AD can be accomplished provided that the rescue hoist is not used.

(k) Alternative Methods of Compliance (AMOCs)

(1) 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 local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (l) 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 local Flight Standards District Office/certificate holding district office.

(l) Related Information

For more information about this AD, contact Eric Rivera, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (847) 294–7166; email: *eric.rivera01@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0244, dated December 13, 2024.

(ii) [Reserved]

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

(4) You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on January 30, 2025.

Victor Wicklund,

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

[FR Doc. 2025–02248 Filed 1–31–25; 4:15 pm]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1483; Project Identifier MCAI–2023–01094–T; Amendment 39–22924; AD 2024–26–09]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2021–10–02, which applied to all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. AD 2021–10–02 required repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and replacement of the elevator torque tube bearings if necessary. This AD continues to require certain actions in AD 2021–10–02 and requires revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation. This AD was prompted by a determination that a new airworthiness limitation is necessary. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of certain other publications listed in this AD as of July 29, 2021 (86 FR 33088, June 24, 2021).

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1483; 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; telephone 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–2024–1483.

FOR FURTHER INFORMATION CONTACT: Gabriel Kim, 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 to supersede AD 2021–10–02, Amendment 39–21535 (86 FR 33088, June 24, 2021) (AD 2021–10–02). AD 2021–10–02 applied to all Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. AD 2021–10–02 required repetitive general visual inspections of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; repetitive functional tests of the elevator control system; and replacement of the elevator torque tube bearings if necessary. The FAA issued AD 2021–10–02 to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control.

The NPRM published in the **Federal Register** on June 12, 2024 (89 FR 49819). The NPRM was prompted by AD CF–2020–29R1, dated October 20, 2023, issued by Transport Canada, which is the aviation authority for Canada (Transport Canada AD CF–2020–29R1) (also referred to as the MCAI). The MCAI states that data collected from the reports mandated by Transport Canada AD CF–2020–29, dated August 21, 2020, was used to validate inspection intervals, which have been integrated into new certification maintenance requirement (CMR) tasks. The MCAI also states that Transport Canada AD CF–2020–29R1 mandates the new CMR tasks while giving credit for initial and repetitive inspections already performed, revises the applicability to exclude airplanes delivered with the new CMRs, and removes the reporting requirement.

In the NPRM, the FAA proposed to continue to require certain actions in AD 2021–10–02. In the NPRM, the FAA also proposed to require revising the existing maintenance or inspection program, as applicable, to incorporate a new airworthiness limitation. The FAA is issuing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1483.

Discussion of Final Airworthiness Directive

Comments

The FAA received a comment from an anonymous commenter who supported the NPRM without change.

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

Request for Alternative Source of Airplane Date of Manufacture

Bombardier requested a revision to paragraph (g) of the proposed AD to accommodate airplanes on which the identification data plate no longer specifies the date of manufacture. Bombardier stated that, for airplanes with serial numbers 60042 and 60045 and subsequent, the airplane identification data plate no longer specifies the date of manufacture. Instead, Bombardier added, the date of manufacture is identified in an airplane's technical records such as a technical log or technical logbook. Bombardier explained that the date in the technical records is validated by a Bombardier Minister's Delegate-Manufacturing (MDM), and that it believed this to be equivalent to the date on the identification data plate. Bombardier stated that it applied for and received a global alternative method of compliance (AMOC) for AD 2021–10–02 that contains the requested change.

The FAA agrees. The date of manufacture found either on the identification data plate of the airplane or in the airplane technical logbook may be used to determine when inspections required in paragraph (g) of this AD must be performed. The FAA has revised paragraph (g) of this AD accordingly. The FAA has also revised paragraph (l) of this AD to clarify that AMOCs approved previously for AD 2021–10–02 are approved as AMOCs for the corresponding provisions of paragraph (g) 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 comments received, and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, and any other changes described previously, this AD is adopted as proposed in the 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 Bombardier temporary revisions:

• Bombardier Global Express, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–53, dated March 31, 2023 (for Model BD–700–1A10 airplanes);

• Bombardier Global Express XRS, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–15, dated March 31, 2023 (for Model BD–700–1A10 airplanes);

• Bombardier Global 6000, GL 6000 Time Limits/Maintenance Checks Temporary Revision 5–2–20, dated March 31, 2023 (for Model BD–700–1A10 airplanes);

• (Bombardier) Global 6500, GL 6500 Time Limits/Maintenance Checks Temporary Revision 5–2–3, dated March 31, 2023 (for Model BD–700–1A10 airplanes);

• Bombardier Global 5000, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–21, dated March 31, 2023 (for Model BD–700–1A11 airplanes);

• Bombardier Global 5000, GL 5000 Featuring Global Vision Flight Deck— Time Limits/Maintenance Checks Temporary Revision 5–2–20, dated March 31, 2023 (for Model BD–700–1A11 airplanes); and

• (Bombardier) Global 5500, Time Limits/Maintenance Checks GL 5500 Temporary Revision, 5–2–3, dated March 31, 2023 (for Model BD–700–1A11 airplanes).

This material specifies an airworthiness limitation for a certification maintenance requirement. These documents are distinct since they

apply to different airplane models and configurations.

This AD also requires the following material, which the Director of the Federal Register approved for incorporation by reference as of July 29, 2021 (86 FR 33088, June 24, 2021).

- Bombardier Service Bulletin 700–1A11–27–041, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–083, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5012, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–5503, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–6012, Revision 1, dated December 7, 2020.
- Bombardier Service Bulletin 700–27–6503, Revision 1, dated December 7, 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 461 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

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

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2021–10–02.	22 work-hours × $85 per hour = $1,870.	Up to $4 (for four cotter pins) * ..	Up to $1,874	Up to $863,914.

* Parts cost include replacement parts where necessary.

The FAA estimates the following costs to do any necessary on-condition actions that would be required based on the results of any required actions. The FAA has no way of determining the number of aircraft that might need this on-condition action:

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
5 work-hours × $85 per hour = $425	$271 (for four bearings)	$696

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

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2021–10–02, Amendment 39–21535 (86 FR 33088, June 24, 2021); and

■ b. Adding the following new AD:

2024–26–09 Bombardier, Inc.: Amendment 39–22924; Docket No. FAA–2024–1483; Project Identifier MCAI–2023–01094–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

This AD replaces AD 2021–10–02, Amendment 39–21535 (86 FR 33088, June 24, 2021) (AD 2021–10–02).

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, having serial numbers 9002 through 60081 inclusive.

(d) Subject

Air Transport Association (ATA) of America Code 05, Time Limits/Maintenance Checks; 27, Flight Controls.

(e) Reason

This AD was prompted by a determination that a new airworthiness limitation is necessary. The FAA is issuing this AD to address sand contamination and corrosion of the elevator torque tube bearings, which could lead to binding or seizure of the bearings, and potentially lead to a reduction in or loss of airplane pitch control.

(f) Compliance

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

(g) Retained Inspection and Corrective Actions, With Change

This paragraph restates the requirements of paragraph (g) of AD 2021–10–02, with a change to table 1 to paragraph (g), which identifies the airplane marketing designation instead of the serial number range, and a change to add an additional source for identifying the date of airplane manufacture. Within 36 months from July 29, 2021 (the effective date of AD 2021–10–02) or within 63 months from the date of airplane manufacture, as identified on the identification data plate of the airplane or in the airplane technical logbook, whichever occurs later: Do a general visual inspection of the left- and right-hand elevator torque tube bearings for any sand, dust, or corrosion; perform a functional test of the elevator control system; and do all applicable corrective actions; in accordance with the Accomplishment Instructions of paragraphs 2.B., 2.C., and 2.D. of the applicable material specified in table 1 to paragraph (g) of this AD. Applicable corrective actions must be done before further flight. Repeat the general visual inspection and functional test thereafter at intervals not to exceed 63 months. Accomplishing the revision of the existing maintenance or inspection program required by paragraph (i) of this AD terminates the requirements of this paragraph.

Table 1 to Paragraph (g)—Service Information

For Model–	With Marketing Designation–	Use Bombardier Service Bulletin–
BD-700-1A10 airplanes	Global Express or Global Express XRS	700-27-083, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	Global 6000	700-27-6012, Revision 1, dated December 7, 2020
BD-700-1A10 airplanes	Global 6500	700-27-6503, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	Global 5000	700-1A11-27-041, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	Global 5000 Featuring Global Vision Flight Deck (GVFD)	700-27-5012, Revision 1, dated December 7, 2020
BD-700-1A11 airplanes	Global 5500	700-27-5503, Revision 1, dated December 7, 2020

(h) No Reporting Requirement

Although the material identified in table 1 to paragraph (g) of this AD specifies to submit certain information to the manufacturer, this AD does not include that requirement.

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

Within 30 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the applicable temporary revision identified in table 2 to paragraph (i) of this AD. The initial compliance time for doing the task is at the time specified in the applicable temporary revision identified in table 2 to paragraph (i) of this AD, or within 90 days after the effective date of this AD, whichever occurs later. Accomplishing the revision of the existing maintenance or inspection program required by this paragraph terminates the actions required by paragraph (g) of this AD.

Table 2 to Paragraph (i)—Applicable Temporary Revisions

For Model–	Using Temporary Revision-
BD-700-1A10 airplanes	Bombardier Global Express, BD-700 Time Limits/Maintenance Checks Temporary Revision 5-2-53, dated March 31, 2023
BD-700-1A10 airplanes	Bombardier Global Express XRS, BD-700 Time Limits/Maintenance Checks Temporary Revision 5-2-15, dated March 31, 2023
BD-700-1A10 airplanes	Bombardier Global 6000, GL 6000 Time Limits/Maintenance Checks Temporary Revision 5-2-20, dated March 31, 2023
BD-700-1A10	(Bombardier) Global 6500, GL 6500 Time Limits/Maintenance Checks Temporary Revision 5-2-3, dated March 31, 2023
BD-700-1A11 airplanes	Bombardier Global 5000, BD-700 Time Limits/Maintenance Checks Temporary Revision 5-2-21, dated March 31, 2023
BD-700-1A11 airplanes	Bombardier Global 5000, GL 5000 Featuring Global Vision Flight Deck (GVFD) Time Limits/Maintenance Checks Temporary Revision 5-2-20, dated March 31, 2023
BD-700-1A11 airplanes	(Bombardier) Global 5500, GL 5500 Time Limits/Maintenance Checks Temporary Revision 5-2-3, dated March 31, 2023

(j) New No Alternative Actions or Intervals

After the existing maintenance or inspection program has been revised as required by paragraph (i) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (l)(1) of this AD.

(k) Credit for Previous Actions

(1) This paragraph provides credit for actions required by paragraph (g) of this AD, if those actions were performed before July 29, 2021 (the effective date of AD 2021–10–02) using the applicable material specified in paragraphs (k)(1)(i) through (vi) of this AD, which are not incorporated by reference in this AD.

(i) Bombardier Service Bulletin 700–1A11–27–041, dated July 23, 2020.

(ii) Bombardier Service Bulletin 700–27–083, dated July 23, 2020.

(iii) Bombardier Service Bulletin 700–27–5012, dated July 23, 2020.

(iv) Bombardier Service Bulletin 700–27–5503, dated July 23, 2020.

(v) Bombardier Service Bulletin 700–27–6012, dated July 23, 2020.

(vi) Bombardier Service Bulletin 700–27–6503, dated July 23, 2020.

(2) This paragraph provides credit for the initial and repetitive inspection actions required by paragraph (i) of this AD if those actions were performed before the effective date of this AD using the applicable material identified in table 1 to paragraph (g) of this AD, which were incorporated by reference in AD 2021–10–02.

(l) 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 (m)(1) of this AD. Information may be emailed 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 2021–10–02, are approved as AMOCs for the corresponding provisions of paragraph (g) 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, 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.

(m) Additional Information

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

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (n)(5) of this AD.

(n) 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 11, 2025.

(i) (Bombardier) Global 5500, GL 5500 Time Limits/Maintenance Checks Temporary Revision, 5–2–3, dated March 31, 2023.

(ii) (Bombardier) Global 6500, GL 6500 Time Limits/Maintenance Checks Temporary Revision 5–2–3, dated March 31, 2023.

(iii) Bombardier Global 5000, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–21, dated March 31, 2023.

(iv) Bombardier Global 5000, GL 5000 Featuring Global Vision Flight Deck Time Limits/Maintenance Checks Temporary Revision 5–2–20, dated March 31, 2023.

(v) Bombardier Global 6000, GL 6000 Time Limits/Maintenance Checks Temporary Revision 5–2–20, dated March 31, 2023.

(vi) Bombardier Global Express, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–53, dated March 31, 2023.

(vii) Bombardier Global Express XRS, BD–700 Time Limits/Maintenance Checks Temporary Revision 5–2–15, dated March 31, 2023.

(4) The following material was approved for IBR on July 29, 2021 (86 FR 33088, June 24, 2021).

(i) Bombardier Service Bulletin 700–1A11–27–041, Revision 1, dated December 7, 2020.

(ii) Bombardier Service Bulletin 700–27–083, Revision 1, dated December 7, 2020.

(iii) Bombardier Service Bulletin 700–27–5012, Revision 1, dated December 7, 2020.

(iv) Bombardier Service Bulletin 700–27–5503, Revision 1, dated December 7, 2020.

(v) Bombardier Service Bulletin 700–27–6012, Revision 1, dated December 7, 2020.

(vi) Bombardier Service Bulletin 700–27–6503, Revision 1, dated December 7, 2020.

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

(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 December 30, 2024.

Steven W. Thompson,

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

[FR Doc. 2025–02147 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1294; Project Identifier MCAI–2024–00042–T; Amendment 39–22921; AD 2024–26–06]

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) 2022–16–06, which applied to certain Airbus SAS Model A330–200, A330–200 Freighter, A330–300, and A330–900 series airplanes; and all Model A340–200 and A340–300 series airplanes. AD 2022–16–06 required modifying the trimmable horizontal stabilizer actuator (THSA) installation, implementing the electrical load sensing device (ELSD) wiring provisions, and installing and activating the ELSD. This AD was prompted by tests that demonstrated that when the upper secondary load path (SLP) of the THSA is engaged, the THSA might not stall, with consequently no indication of SLP engagement, and by the recent determination that the required actions of AD 2022–16–06 cannot be accomplished on certain airplanes. This AD continues to require the actions in AD 2022–16–06 with revised procedures, and also requires additional actions for certain airplanes, 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 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1294; 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–2024–1294.

FOR FURTHER INFORMATION CONTACT: Vladimir Ulyanov, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3229; email: *Vladimir.Ulyanov@faa.gov*.

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022) (AD 2022–16–06). AD 2022–16–06 applied to certain Airbus SAS Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and –941 airplanes; and all Model A340–211, –212, –213, –311, –312, and –313 airplanes. AD 2022–16–06 required modifying the THSA installation, implementing the ELSD wiring provisions, and installing and activating the ELSD. The FAA issued AD 2022–16–06 to address damage on the upper THSA SLP attachment with consequent mechanical disconnection of the THSA, possibly resulting in loss of control of the airplane.

The NPRM published in the **Federal Register** on May 13, 2024 (89 FR 41365). The NPRM was prompted by AD 2024–0016, dated January 11, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0016) (also referred to as the MCAI). The MCAI states it has been determined that the actions specified in EASA AD 2022–0039 cannot be accomplished on certain affected airplanes. Airbus subsequently developed additional instructions and corrections for the procedures. In certain circumstances, there may be no indication to the flightcrew of the engagement of the upper SLP of the THSA. This condition, if not addressed, could lead to damage on the upper THSA SLP attachment with consequent mechanical disconnection of the THSA, resulting in loss of control of the airplane.

In the NPRM, the FAA proposed to continue to require modifying the THSA installation, implementing the ELSD wiring provisions, and installing and activating the ELSD, as specified in FAA AD 2022–16–06 and EASA AD 2022–0039, with revised procedures and additional actions, as specified in EASA AD 2024–0016. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1294.

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 an additional comment from Delta Air Lines (Delta). The following presents that comment and the FAA's response.

Request for Clarification of Mandatory Service Information

The proposed AD would adopt EASA AD 2024–0016, which requires certain actions in accordance with a specific revision of Airbus Service Bulletin A330–27–3237, depending on the airplane serial number, and allows use of later-approved revisions. Delta requested that the FAA clarify the effect of any potential changes, including rework, that are proposed to be included in the forthcoming Revision 03 of Service Bulletin A330–27–3237. According to Delta, Airbus has indicated that Revision 03 will require additional work for any airplane modified by Airbus Service Bulletin A330–27–3237, Revision 01, dated June 20, 2023, or Revision 02, dated February 9, 2024. Delta added that Airbus planned to issue Revision 03 by the end of June 2024.

The FAA provides the following clarification. Revision 03 of Airbus Service Bulletin A330–27–3237 has not been released by Airbus. EASA has informed the FAA of ongoing discussions with Airbus regarding the scope of additional work, the timeline for release of Revision 03 of that service bulletin, and a potential revision to EASA AD 2024–0016. If EASA issues a new AD because it is determined that additional work is needed to address the unsafe condition, then the FAA may consider further rulemaking at that time. This AD requires accomplishing the actions specified in EASA AD 2024–0016. The specific revisions of the service bulletins referenced in EASA AD 2024–0016, as well as later-approved revisions of those service bulletins, are acceptable methods of compliance for accomplishing the requirements of this AD. If an operator elects to use a later-approved revision of a service bulletin, then all the actions identified as ''RC'' (required for compliance) in that service bulletin must be accomplished, unless alternative actions are approved under the provisions of paragraph (i) of this AD. The FAA has not changed this AD as a result of this comment.

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

EASA AD 2024–0016 specifies procedures for installing and activating the ELSD and wiring provisions, and doing additional work that includes additional instructions and corrections for certain airplanes. 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 120 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2022-16-06.	57 work-hours × $85 per hour = $4,845.	Up to $23,000	Up to $27,845	Up to $3,341,400.
New actions	5 work-hours × $85 per hour = $425.	$43,966	$44,391	Up to $5,326,920.

According to the manufacturer, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected individuals. The FAA does not control warranty coverage for affected individuals. As a result, the FAA has included all known costs in the cost estimate.

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) 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022); and

■ b. Adding the following new AD:

2024–26–06 Airbus SAS: Amendment 39–22921; Docket No. FAA–2024–1294; Project Identifier MCAI–2024–00042–T.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

This AD replaces AD 2022–16–06, Amendment 39–22135 (87 FR 51588, August 23, 2022) (AD 2022–16–06).

(c) Applicability

This AD applies to Airbus SAS airplanes specified in paragraphs (c)(1) and (2) of this AD, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0016, dated January 11, 2024 (EASA AD 2024–0016).

(1) Model A330–201, –202, –203, –223, –223F, –243, –243F, –301, –302, –303, –321, –322, –323, –341, –342, –343, and –941 airplanes.

(2) Model A340–211, –212, –213, –311, –312, and –313 airplanes.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by tests that demonstrated that when the upper secondary load path (SLP) of the trimmable horizontal stabilizer actuator (THSA) is engaged, the THSA might not stall, with consequently no indication of SLP engagement, and by the recent determination that the required actions of AD 2022–16–06 cannot be accomplished on certain airplanes. The FAA is issuing this AD to prevent damage on the upper THSA SLP attachment with consequent mechanical disconnection of the THSA, that could result in loss of control 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, EASA AD 2024–0016.

(h) Exceptions to EASA AD 2024–0016

(1) Where EASA AD 2024–0016 refers to ''22 March 2022 [the effective date of EASA AD 2022–0039],'' this AD requires using September 27, 2022 (the effective date of AD 2022–16–06).

(2) Where EASA AD 2024–0016 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraph (1) of EASA AD 2024–0016 applies to airplanes in ''Group 1,'' this AD requires replacing that text with ''Group 1 airplanes, except as specified in paragraph (3)''.

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0016.

(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, send it to the attention of the person identified in paragraph (j) 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 2022–16–06 are approved as AMOCs for the corresponding provisions of EASA AD 2024–0016 that are required by paragraph (g) 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, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(j) Additional Information

For more information about this AD, contact Vladimir Ulyanov, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3229; email: *Vladimir.Ulyanov@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0016, dated January 11, 2024.

(ii) [Reserved]

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

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

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

Issued on January 28, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02134 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2321; Project Identifier MCAI–2024–00126–A; Amendment 39–22928; AD 2025–01–04]

RIN 2120–AA64

Airworthiness Directives; DAHER AEROSPACE (Type Certificate Previously Held by SOCATA) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain DAHER AEROSPACE (DAHER) Model TBM 700 airplanes. This AD was prompted by reports of wear of the inner flap actuator drive nut. This AD requires cleaning and lubricating the internal actuator rods, measuring the play between the drive nuts and the internal actuator rods, and if any play is found, replacing the drive nuts. This AD also allows replacing the drive nuts with certain other design drive nuts as

terminating action for the requirements. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective March 11, 2025.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of March 11, 2025.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2321; 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 Daher Aerospace material identified in this AD, contact DAHER, Customer Support, Airplane Business Unit, Tarbes Cedex 9, France; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–2321.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–2346; email: *fred.guerin@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 DAHER Model TBM 700 airplanes. The NPRM published in the **Federal Register** on September 30, 2024 (89 FR 79485). The NPRM was prompted by AD 2013–0104R3, dated February 20, 2024, issued by the European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union (EASA AD 2013–0104R3) (also referred to as the MCAI). The MCAI states that wear of the inner flap actuator drive nut was detected, which could result in improper play between the actuator threaded rod and the drive nut with potential loss of flap control and consequent reduced or loss of control of the airplane.

In the NPRM, the FAA proposed to require cleaning and lubricating the internal actuator rods, measuring the play between the drive nuts and the internal actuator rods, and if any play was found, replacing the drive nuts. The proposed AD also allowed replacing the drive nuts with certain other design drive nuts as terminating action for the proposed requirements.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2321.

Discussion of Final Airworthiness Directive

Comments

The FAA received no comments on the NPRM or on the determination of the costs to the public.

Conclusion

These products have been approved by the aviation authority of another country and are 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 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, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Daher Aerospace Service Bulletin SB 70–118 Revision 3, dated December 2023. This material specifies procedures for cleaning and lubricating the internal actuator rods, measuring the play between the drive nut and the internal actuator rods, and replacing the drive nut.

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 will affect 807 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
Clean and lubricate left-hand (LH) and right-hand (RH) internal actuator rods.	1 work-hour × $85 per hour = $85, per cleaning and lubricating cycle..	$0	$85	$68,595 per cleaning and lubricating cycle.
Measure the play for the LH and RH drive nuts.	1 work-hour × $85 per hour = $85, per measurement cycle..	0	85 per measurement cycle..	68,595 per measurement cycle.

If, during any measurement for play, no discrepancy is found, operators have the option to replace the LH and RH drive nuts. If, during any measuring for play, any discrepancy is found, the LH and RH drive nuts must be replaced. Replacing the LH and RH drive nuts would be terminating action for the repetitive cleaning, lubricating, and measuring play. The FAA estimates the following costs for replacing the LH and RH drive nuts:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replace drive nuts	4 work-hours × $85 per hour = $340	$200	$540

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:

2025–01–04 DAHER AEROSPACE (Type Certificate Previously Held by SOCATA): Amendment 39–22928; Docket No. FAA–2024–2321; Project Identifier MCAI–2024–00126–A.

(a) Effective Date

This airworthiness directive (AD) is effective March 11, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DAHER AEROSPACE (type certificate previously held by SOCATA) (DAHER) Model TBM 700 airplanes, all serial numbers, certificated in any category, except those with DAHER Modification (MOD) 70–0777–27 installed during production.

(d) Subject

Joint Aircraft System Component (JASC) Code 2750, TE Flap Control System; 2752, TE Flap Actuator.

(e) Unsafe Condition

This AD was prompted by reports of wear of the inner flap actuator drive nut. The FAA is issuing this AD to prevent wear of the drive nut threading on the internal actuator flaps. The unsafe condition, if not addressed, could result in improper play between the actuator threaded rod and the drive nut, which could result in loss of flap control and consequent reduced or loss of control of the airplane.

(f) Compliance

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

(g) Required Actions

(1) Clean and lubricate the left-hand (LH) and right-hand (RH) internal actuator rods in accordance with Paragraph C. in the Description of Accomplishment Instructions of Daher Aerospace Service Bulletin SB 70–118 Revision 3, dated December 2023 (Daher SB 70–118) within the compliance times identified in paragraph (g)(1)(i) or (ii) of this AD, whichever occurs later.

(i) Before the accumulation of 400 hours time-in-service (TIS) or 12 months, whichever occurs first, since the first installation of a LH and RH inner flap actuator, and thereafter at intervals not to exceed 400 hours TIS or 12 months, whichever occurs first.

(ii) Within 10 hours TIS after the effective date of this AD and thereafter at intervals not to exceed 400 hours TIS or 12 months, whichever occurs first.

(2) Within the compliance time identified in paragraph (g)(2)(i) or (ii) of this AD, whichever occurs later, and thereafter, at intervals not to exceed 400 hours TIS or 12 months, whichever occurs first, for each inner flap actuator, measure the play between the drive nut and the internal actuator rod in accordance with Section A, Paragraphs (1) through (9), in the Description of Accomplishment Instructions of Daher SB 70–118. Where Section A, Paragraph (3), in the Description of Accomplishment Instructions of Daher SB 70–118 specifies ''With the help of a second operator'' this AD requires this action be performed by persons authorized under 14 CFR 43.3.

(i) 3,000 hours TIS since first installation of the inner flap actuator on your airplane.

(ii) 400 hours TIS or 12 months, whichever occurs first since the last play measurement accomplished for that inner flap actuator in accordance with Section A, Paragraphs (1) through (9), in the Description of Accomplishment Instructions of Daher SB 70–118.

(3) If, during any measurement required by paragraph (g)(2) of this AD, any play is found, as identified in Section A, Paragraphs (8)(b) and (9)(b), of the Description of Accomplishment Instructions, Daher SB 70–118, before further flight, accomplish the applicable corrective actions in accordance with Section A, Paragraphs (10) through (15) and (17), and Section C, Paragraph (1), in the Description of Accomplishment Instructions of Daher SB 70–118. Where Section B, Paragraph (4), in the Description of Accomplishment Instructions of Daher SB 70–118, specifies to discard an old drive nut, this AD requires removing the old drive nut from service.

(4) If, during any measurement as required by paragraph (g)(2) of this AD, no play is found, as identified in Section A, Paragraphs (8)(a) and (9)(a), in the Description of Accomplishment Instructions of Daher SB 70–118, before further flight, accomplish the actions in accordance with Section A, Paragraphs (13) through (15) and (17), and Section C, Paragraph (1), in the Description of Accomplishment Instructions of Daher SB 70–118.

(h) Terminating Action

Replacing the drive nuts in accordance with Section B, Paragraphs (1) through (10), in the Description of Accomplishment Instructions of Daher SB 70–118, constitutes terminating action for all of the actions required by paragraphs (g)(1) and (2) of this AD, provided, after that replacement, no LH flap actuator having part number (P/N) 1–5295–B or RH flap actuator having P/N 2–5295–B is installed. Where Section B, Paragraph (4) in the Description of Accomplishment Instructions of Daher SB 70–118, specifies to discard an old drive nut, this AD requires removing the old drive nut from service.

(i) 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 local Flight Standards District 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 or email to: *AMOC@faa.gov*. If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(j) Additional Information

For more information about this AD, contact Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–2346; email: *fred.guerin@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) Daher Aerospace Service Bulletin SB 70–118, Revision 3, dated December 2023.

(ii) [Reserved]

(3) For Daher Aerospace material identified in this AD, contact DAHER, Customer Support, Airplane Business Unit, Tarbes Cedex 9, France; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on January 6, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–02188 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2458; Airspace Docket No. 23–AGL–27]

RIN 2120–AA66

Amendment of VOR Federal Airways V–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765, and Establishment of United States RNAV Route T–490; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Very High Frequency Omnidirectional Range (VOR) Federal Airways V–9, V–78, V–341, and V–430, and Canadian Area Navigation (RNAV) Route T–765; and establishes United States (U.S.) RNAV Route T–490. The FAA is taking this action due to the planned decommissioning of the VOR portion of the Iron Mountain, MI (IMT), VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Iron Mountain VOR is being decommissioned 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: Colby Abbott, 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 National Airspace System (NAS) as necessary to preserve the safe and efficient flow of air traffic.

History

The FAA published an NPRM for Docket No. FAA–2024–2458 in the **Federal Register** (89 FR 87985; November 6, 2024), proposing to amend VOR Federal Airways V–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765; and establish U.S. RNAV Route T–490 due to the planned decommissioning of the VOR portion of the Iron Mountain, MI, VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

Subsequent the NPRM, the FAA published a rule for Docket No. FAA–2024–1048 in the **Federal Register** (89 FR 81339; October 8, 2024), amending VOR Federal Airway V–9 by removing the airway segment between the Spinner, IL, VOR/Tactical Air Navigation (VORTAC) and the Pontiac, IL, VOR/DME. That airway amendment, effective December 26, 2024, is included in this rule.

Incorporation by Reference

VOR Federal Airways are published in paragraph 6010(a), United States Area Navigation Routes are published in paragraph 6011, and Canadian Area Navigation Routes are published in paragraph 6013 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–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765; and establishing U.S. RNAV Route T–490. This action is required due to the planned decommissioning of the VOR portion of the Iron Mountain, MI, VOR/DME NAVAID. The ATS route actions are described below.

V–9: Prior to this final rule, V–9 extended between the Leeville, LA, VORTAC and the Spinner, IL, VORTAC; and between the Janesville, WI, VOR/DME and the Houghton, MI, VOR/DME. The airway segment between the Green Bay, WI, VORTAC and the Houghton VOR/DME is removed. As amended, the airway is changed to now extend

between the Leeville VORTAC and the Spinner VORTAC, and between the Janesville VOR/DME and the Green Bay VORTAC.

V–78: Prior to this final rule, V–78 extended between the Gopher, MN, VORTAC and the Escanaba, MI, VOR/DME; and between the Pellston, MI, VORTAC and the Saginaw, MI, VOR/DME. The airway segment between the Rhinelander, WI, VOR/DME and the Escanaba VOR/DME is removed. As amended, the airway is changed to now extend between the Gopher VORTAC and the Rhinelander VOR/DME, and between the Pellston VORTAC and the Saginaw VOR/DME.

V–341: Prior to this final rule, V–341 extended between the Cedar Rapids, IA, VOR/DME and the Green Bay, WI, VORTAC; and between the Iron Mountain, MI, VOR/DME and the Houghton, MI, VOR/DME. The airway segment between the Iron Mountain VOR/DME and the Houghton VOR/DME is removed. As amended, the airway is changed to now extend between the Cedar Rapids VOR/DME and the Green Bay VORTAC.

V–430: Prior to this final rule, V–430 extended between the Cut Bank, MT, VOR/DME and the Minot, ND, VOR/DME; and between the Grand Forks, ND, VOR/DME and the Escanaba, MI, VOR/DME. The airway segment between the Ironwood, MI, VOR/DME and the Escanaba VOR/DME is removed. As amended, the airway is changed to now extend between the Cut Bank VOR/DME and the Minot VOR/DME, and between the Grand Forks VOR/DME and the Ironwood VOR/DME.

T–490: T–490 is a new U.S. RNAV route being established to extend between the Ironwood, MI, VOR/DME and the Escanaba, MI, VOR/DME. The new RNAV route mitigates the V–430 airway segment being removed and provides route guidance for aircraft around the Big Bear, MI, Military Operations Area (MOA).

T–765: Prior to this final rule, T–765 extended between the Houghton, MI, VOR/DME and the BBLUE, MI, Waypoint (WP) on the U.S./Canada border; between the ASIXX, MN, WP on the U.S./Canada border and the KORTY, MN, WP on the U.S./Canada border; and between the LCROS, MN, WP on the U.S./Canada border and the CALDU, MN, WP on the U.S./Canada border. The route is extended southward to the Green Bay, WI, VORTAC to serve as a RNAV replacement for the airway segment of V–9 being removed. As amended, the route is changed to now extend between the Green Bay VORTAC and the BBLUE WP; between the ASIXX WP and the KORTY WP; and between the LCROS WP and the CALDU WP.

The NAVAID radials listed in the VOR Federal airway descriptions in the regulatory text of this final rule are unchanged and 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 amending VOR Federal Airways V–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765; and establishing U.S. RNAV Route T–490 due to the planned decommissioning of the VOR portion of the Iron Mountain, MI, VOR/DME NAVAID, 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 5–6.5i, which categorically excludes from further environmental impact review the establishment of new or revised air traffic control procedures conducted at 3,000 feet or more above ground level (AGL); procedures conducted below 3,000 feet AGL that do not cause traffic to be routinely routed over noise sensitive areas; modifications to currently approved procedures conducted below 3,000 feet AGL that do not significantly increase noise over noise sensitive areas; and increases in minimum altitudes and landing minima. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

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

Paragraph 6010(a) VOR Federal Airways.

* * * * *

V–9 [Amended]

From Leeville, LA; Mc Comb, MS; INT Mc Comb 004° and Magnolia, MS 194° radials; Magnolia; Sidon, MS; Marvell, AR; INT Marvell 326° and Walnut Ridge, AR 187° radials; Walnut Ridge; Farmington, MO; St. Louis, MO; to Spinner, IL. From Janesville, WI; Madison, WI; Oshkosh, WI; to Green Bay, WI.

* * * * *

V–78 [Amended]

From Gopher, MN; INT Gopher 091° and Eau Claire, WI, 290° radials; Eau Claire; to Rhinelander, WI. From Pellston, MI; Alpena, MI; INT Alpena 232° and Saginaw, MI, 353° radials; to Saginaw.

* * * * *

V–341 [Amended]

From Cedar Rapids, IA; Dubuque, IA; Madison, WI; Oshkosh, WI; to Green Bay, WI.

* * * * *

V–430 [Amended]

From Cut Bank, MT; 10 miles, 74 miles 55 MSL, Havre, MT; 14 miles, 100 miles 50 MSL, Glasgow, MT; INT Glasgow 100° and Williston, ND, 263° radials; 22 miles, 33 miles 55 MSL, Williston; to Minot, ND. From Grand Forks, ND; Thief River Falls, MN; INT Thief River Falls 122° and Grand Rapids, MN, 292° radials; Grand Rapids; Duluth, MN; to Ironwood, MI.

* * * * *

T–490 Ironwood, MI (IWD) to Escanaba, MI (ESC) [New]

Ironwood, MI (IWD)	VOR/DME	(Lat. 46°31′56.12″ N, long. 090°07′33.06″ W)
BBEAR, MI	WP	(Lat. 45°48′57.67″ N, long. 088°06′42.85″ W)
Escanaba, MI (ESC)	VOR/DME	(Lat. 45°43′21.49″ N, long. 087°05′22.55″ W)

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

Paragraph 6013 Canadian Area Navigation Routes.

* * * * *

T–765 Green Bay, WI (GRB) to CALDU, MN [Amended]

Green Bay, WI (GRB)	VORTAC	(Lat. 44°33′18.58″ N, long. 088°11′41.49″ W)
BBEAR, MI	WP	(Lat. 45°48′57.67″ N, long. 088°06′42.85″ W)
Houghton, MI (CMX)	VOR/DME	(Lat. 47°10′12.94″ N, long. 088°29′07.41″ W)
BBLUE, MI	WP	(Lat. 48°01′10.44″ N, long. 089°13′39.22″ W)
and		
ASIXX, MN	WP	(Lat. 48°30′56.17″ N, long. 092°37′34.98″ W)
International Falls, MN (INL)	VOR/DME	(Lat. 48°33′56.87″ N, long. 093°24′20.44″ W)
KORTY, MN	WP	(Lat. 48°35′20.54″ N, long. 093°27′59.55″ W)
and		
LCROS, MN	WP	(Lat. 49°03′44.39″ N, long. 094°44′18.17″ W)
CALDU, MN	WP	(Lat. 49°12′42.53″ N, long. 095°09′11.89″ W)

* * * * *

Issued in Washington, DC, on January 29, 2025.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2025–02142 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1979; Airspace Docket No. 24–ASO–20]

RIN 2120–AA66

Amendment of Class E Airspace; Kinston, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Kinston, NC, by adding airspace for Lenoir Memorial Hospital Heliport, Kinston, NC. This action also updates the coordinates for Kinston Regional Jetport at Stallings Field, Kinston, NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

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

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

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

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

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace extending upward from 700 feet above the surface in Kinston, NC.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2024–1979 in the **Federal Register** (89 FR 88177; November 7, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Lenoir Memorial Hospital Heliport in Kinston, NC. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

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

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

The Rule

This action amends 14 CFR part 71 by amending Class E airspace by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of the Lenoir Memorial Hospital Heliport, Kinston, NC. This action also updates the coordinates for Kinston Regional Jetport at Stallings Field, Kinston, NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

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

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

ASO NC E5 Kinston, NC [Amended]

Kinston Regional Jetport at Stallings Field, NC
(Lat. 35°19′53″ N, long. 77°36′32″ W)
Kinston VORTAC
(Lat. 35°22′15″ N, long. 77°33′30″ W)
Lenoir Memorial Hospital Heliport, NC
(Lat. 35°17′24″ N, long. 77°35′04″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Kinston Regional Jetport at Stallings Field, within 2.5 miles on each side of the Kinston VORTAC 047° radial, extending from the 6.7-mile radius to 7 miles northeast of the VORTAC, and within a 6-mile radius of Lenoir Memorial Hospital Heliport.

* * * * *

Issued in College Park, Georgia, on January 30, 2025.

Patrick Young,

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

[FR Doc. 2025–02184 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

Proposed Rules

Federal Register
Vol. 90, No. 22
Tuesday, February 4, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 72

[NRC–2024–0182]

RIN 3150–AL22

List of Approved Spent Fuel Storage Casks: Holtec International HI–STORM UMAX Canister Storage System, Certificate of Compliance No. 1040, Revision 1 to Amendment Nos. 0 Through 2

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is proposing to amend its spent fuel storage regulations by revising the Holtec International HI–STORM UMAX Canister Storage System listing within the ''List of approved spent fuel storage casks'' to include Revision 1 to Amendment Nos. 0 through 2 to Certificate of Compliance (CoC) No. 1040. Revision 1 to Amendment Nos. 0 through 2 updates the CoC appendix A technical specifications for radiation protection and the associated bases information to clearly articulate the basis for the dose rate limits for the closure lids, modify the dose rate limit values and the description of the location of the dose rate measurements, and make other editorial changes.

DATES: Submit comments by March 6, 2025. Comments received after this date will be considered if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: Submit your comments, identified by Docket ID NRC–2024–0182, at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* call or email the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

You can read a plain language description of this proposed rule at *https://www.regulations.gov/docket/NRC-2024-0182.* For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: George Tartal, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–0016, email: *George.Tartal@nrc.gov* and Kristina Banovac, Office of Nuclear Materials Safety and Safeguards, telephone: 301–415–7116, email: *Kristina.Banovac@nrc.gov.* Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0182 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0182. Address questions about NRC dockets to Helen Chang, telephone: 301–415–3228, email: *Helen.Chang@nrc.gov.* For technical questions contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0182 in your comment submission.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at *https://www.regulations.gov* as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Rulemaking Procedure

Because the NRC considers this action to be non-controversial, the NRC is publishing this proposed rule concurrently with a direct final rule in the Rules and Regulations section of this issue of the **Federal Register**. The direct final rule will become effective on April 21, 2025. However, if the NRC receives any significant adverse comment by March 6, 2025, then the NRC will publish a document that withdraws the direct final rule. If the direct final rule is withdrawn, the NRC will address the comments in a subsequent final rule. In general, absent significant modifications to the proposed revisions requiring republication, the NRC will not initiate

a second comment period on this action in the event the direct final rule is withdrawn.

A significant adverse comment is a comment where the commenter explains why the rule would be inappropriate, including challenges to the rule's underlying premise or approach, or would be ineffective or unacceptable without a change. A comment is adverse and significant if:

(1) The comment opposes the rule and provides a reason sufficient to require a substantive response in a notice-and-comment process. For example, a substantive response is required when:

(a) The comment causes the NRC to reevaluate (or reconsider) its position or conduct additional analysis;

(b) The comment raises an issue serious enough to warrant a substantive response to clarify or complete the record; or

(c) The comment raises a relevant issue that was not previously addressed or considered by the NRC.

(2) The comment proposes a change or an addition to the rule, and it is apparent that the rule would be ineffective or unacceptable without incorporation of the change or addition.

(3) The comment causes the NRC to make a change (other than editorial) to the rule, CoC, or technical specifications.

For a more detailed discussion of the proposed rule changes and associated analyses, see the direct final rule published in the Rules and Regulations section of this issue of the **Federal Register**.

III. Background

Section 218(a) of the Nuclear Waste Policy Act of 1982, as amended, requires that ''[t]he Secretary [of the Department of Energy] shall establish a demonstration program, in cooperation with the private sector, for the dry storage of spent nuclear fuel at civilian nuclear power reactor sites, with the objective of establishing one or more technologies that the [Nuclear Regulatory] Commission may, by rule, approve for use at the sites of civilian nuclear power reactors without, to the maximum extent practicable, the need for additional site-specific approvals by the Commission.'' Section 133 of the Nuclear Waste Policy Act states, in part, that ''[t]he Commission shall, by rule, establish procedures for the licensing of any technology approved by the Commission under Section 219(a) [sic: 218(a)] for use at the site of any civilian nuclear power reactor.''

To implement this mandate, the Commission approved dry storage of spent nuclear fuel in NRC-approved casks under a general license by publishing a final rule that added a new subpart K in part 72 of title 10 of the *Code of Federal Regulations* (10 CFR) entitled ''General License for Storage of Spent Fuel at Power Reactor Sites'' (55 FR 29181; July 18, 1990). This rule also established a new subpart L in 10 CFR part 72 entitled ''Approval of Spent Fuel Storage Casks,'' which contains procedures and criteria for obtaining NRC approval of spent fuel storage cask designs. The NRC subsequently issued a final rule on March 6, 2015 (80 FR 12073), as corrected (80 FR 15679; March 25, 2015), that approved the Holtec International HI–STORM UMAX Canister Storage System design and added it to the list of NRC-approved cask designs in § 72.214 as CoC No. 1040.

IV. Plain Writing

The Plain Writing Act of 2010 (Pub. L. 111–274) requires Federal agencies to write documents in a clear, concise, and well-organized manner. The NRC has written this document to be consistent with the Plain Writing Act as well as the Presidential Memorandum, ''Plain Language in Government Writing,'' published June 10, 1998 (63 FR 31885). The NRC requests comment on the proposed rule with respect to clarity and effectiveness of the language used.

V. Availability of Documents

The documents identified in the following table are available to interested persons as indicated.

Document	ADAMS accession No.
Proposed Certificate of Compliance and Technical Specifications Documents	
User Need Memo for Revision to Amendment Nos. 0, 1, and 2 of the Certificate of Compliance No. 1040 for the HI–STORM UMAX Canister Storage System.	ML24179A273
Preliminary Safety Evaluation Report for HI–STORM UMAX, CoC No. 1040, Revision to Amendment Nos. 0, 1, and 2	ML24179A263
Proposed CoC No. 1040, Amendment No. 0, Revision 1	ML24179A266
Proposed CoC No. 1040, Amendment No. 0, Revision 1, Appendix A	ML24179A264
Proposed CoC No. 1040, Amendment No. 0, Revision 1, Appendix B	ML24179A265
Proposed CoC No. 1040, Amendment No. 1, Revision 1	ML24179A269
Proposed CoC No. 1040, Amendment No. 1, Revision 1, Appendix A	ML24179A267
Proposed CoC No. 1040, Amendment No. 1, Revision 1, Appendix B	ML24179A268
Proposed CoC No. 1040, Amendment No. 2, Revision 1	ML24179A272
Proposed CoC No. 1040, Amendment No. 2, Revision 1, Appendix A	ML24179A270
Proposed CoC No. 1040, Amendment No. 2, Revision 1, Appendix B	ML24179A271
Holtec International, Inc. HI–STORM UMAX Canister Storage System Revision 1 to Amendment Nos. 0 through 2 Request Documents	
Letter, ''Holtec International—Submittal of Application for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated May 5, 2023.	ML23125A237
Letter, ''Holtec International, Submittal of RSI Responses for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated January 31, 2024.	ML24031A659
Letter, ''Holtec International, Submittal of RSI Supplemental Information for Revision to HI–STORM UMAX CoC Amendments 0, 1, and 2,'' dated March 4, 2024.	ML24072A501
Letter, ''Supplement to Application for Revision to Amendment Nos. 0, 1, and 2 of Certificate of Compliance No. 1040 for HI–STORM UMAX,'' dated June 26, 2024.	ML24178A111
Ameren Missouri letter to Holtec, ''Attachment 8—General Licensee Letters Regarding Revisions,'' dated March 1, 2023	ML23125A246
Ameren Missouri letter to Holtec, ''Ameren Missouri's Intent to Adopt Revision 1 to Amendment 0 of Certificate of Compliance No. 1040 as applicable to the ISFSI at the Callaway Plant Site,'' dated June 6, 2024.	ML24178A113
Email Re: Supplement to Application for Revision to Amendment Nos. 0, 1, and 2 of CoC No. 1040 for HI–STORM UMAX, dated June 26, 2024.	ML24178A112

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at *https://www.regulations.gov* under Docket ID NRC–2024–0182. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2024–0182); (2) click the ''Subscribe'' link; and (3) enter an email address and click on the ''Subscribe'' link.

Dated: January 16, 2025.

For the Nuclear Regulatory Commission.

Mirela Gavrilas,

Executive Director for Operations.

[FR Doc. 2025–02209 Filed 2–3–25; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. FAA–2024–2442; Notice No. 25–24–06–SC]

Special Conditions: Gulfstream Aerospace Corporation, Model GVII–G400 Airplane; Automatic Speed Protection for Design Dive Speed (Dive Speed Definition)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This action proposes special conditions for the Gulfstream Aerospace Corporation (Gulfstream) Model GVII–G400 airplane. This airplane will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for transport-category airplanes. This design feature is a high-speed protection system. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Send comments on or before March 21, 2025.

ADDRESSES: Send comments identified by Docket No. FAA–2024–2442 using any of the following methods:

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

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

FOR FURTHER INFORMATION CONTACT: Todd Martin, Airframe (P&S) Section, AIR–622, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 2200 South 216th Street, Des Moines, WA 98198; telephone 206–231–3210; email *todd.martin@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

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

The FAA will consider all comments received by the closing date for comments and will consider comments filed late if it is possible to do so without incurring delay. The FAA may change these special conditions based on the comments received.

Privacy

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in title 14, Code of Federal Regulations (14 CFR) 11.35, the FAA will post all comments received without change to *www.regulations.gov,* including any personal information you provide. The FAA will also post a report summarizing each substantive verbal contact received about these special conditions.

Confidential Business Information

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

Background

On June 30, 2020, Gulfstream applied for an amendment to Type Certificate No. T00021AT to include the new Model GVII–G400 airplane. The Gulfstream Model GVII–G400 airplane, which is a derivative of the Model GVII–G500 airplane currently approved under Type Certificate No. T00021AT, is a twin-engine, transport-category, business jet, with a maximum seating for 19 passengers, and a maximum take-off weight of 73,500 pounds.

Type Certification Basis

Under the provisions of 14 CFR 21.101, Gulfstream must show that the Model GVII–G400 airplane meets the applicable provisions of the regulations listed in Type Certificate No. T00021AT, or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*e.g.,* 14 CFR part 25) do not contain adequate or appropriate safety standards for the Gulfstream Model GVII–G400 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the type certificate

for that model be amended later to include any other model that incorporates the same novel or unusual design feature, or should any other model already included on the same type certificate be modified to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special conditions, the Gulfstream Model GVII–G400 airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

Novel or Unusual Design Features

The Gulfstream Model GVII–G400 airplane will incorporate the following novel or unusual design feature:

The GVII–G400 is equipped with a high-speed protection system that limits nose down pilot authority at speeds above V_C/M_C and prevents the airplane from actually performing the maneuver required under § 25.335(b)(1). Gulfstream proposes to reduce the margin between V_C and V_D required by § 25.335(b) based on the incorporation of this high-speed protection system in the Gulfstream GVII–G400 flight control laws.

Discussion

Section 25.335(b)(1) is an analytical envelope condition which was originally adopted in part 4b of the Civil Air Regulations in order to provide an acceptable speed margin between design cruise speed and design dive speed. Flutter clearance design speeds and airframe design loads are impacted by the design dive speed. While the initial condition for the upset specified in the rule is 1g level flight, protection is afforded for other inadvertent overspeed conditions as well. Section 25.335(b)(1) is intended as a conservative enveloping condition for potential overspeed conditions, including non-symmetric ones. To establish that potential overspeed conditions are enveloped, the applicant must demonstrate that any reduced speed margin based on the high-speed protection system will not be exceeded in inadvertent or gust induced upsets resulting in initiation of the dive from non-symmetric attitudes; or that the airplane is protected by the flight control laws from getting into non-symmetric upset conditions. The applicant must conduct a demonstration that includes a comprehensive set of conditions as described below.

A special condition is proposed in lieu of § 25.335(b)(1). Section 25.335(b)(2), which also addresses the design dive speed, is applied separately. Advisory Circular 25.335–1A, ''Design Dive Speed,'' dated September 29, 2000, provides an acceptable means of compliance to § 25.335(b)(2).

These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

Applicability

As discussed above, these special conditions are applicable to Gulfstream Model GVII–G400 airplane. Should Gulfstream apply at a later date for a change to the type certificate to include another model incorporating the same novel or unusual design feature, these special conditions would apply to that model as well.

Conclusion

This action affects only the certain novel or unusual design feature on the Gulfstream Model GVII–G400 airplane. It is not a rule of general applicability.

List of Subjects in 14 CFR Part 25

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

Authority Citation

The authority citation for these special conditions is as follows:

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

The Proposed Special Conditions

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Gulfstream Aerospace Corporation Model GVII–G400 airplanes.

(1) In lieu of compliance with § 25.335(b)(1), if the flight control system includes functions that act automatically to initiate recovery before the end of the 20 second period specified in § 25.335(b)(1), V_D/M_D must be determined from the greater of the speeds resulting from conditions (a) and (b) below. The speed increase occurring in these maneuvers may be calculated if the analysis method and the data used are shown to be reliable. If any non-overridable automatic feature is included in the high-speed protection system (*e.g.,* automatic power reduction or automatic application of drag devices), normal operation of these features may be assumed in the maneuvers of (a) and (b).

(a) From an initial condition of stabilized flight at V_C/M_C, the airplane is upset so as to take up a new flight path 7.5 degrees below the initial path. Pilot pitch control application, up to full authority, is made to try to achieve and maintain this new flight path. Twenty seconds after achieving the new flight path at or above V_C/M_C or twenty seconds after reaching full control input at or above V_C/M_C, whichever occurs first, manual recovery is made at a load factor of 1.5 g (0.5 g acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral. Initial power setting, as specified in § 25.175(b)(1)(iv), is assumed. Pilot reduction of power and/or use of drag devices must be delayed until recovery is initiated.

(b) From any likely level cruise speed up to V_C/M_C, with the longitudinal trim and power set to maintain stabilized level flight at this speed, the airplane is upset so as to accelerate through V_C/M_C at a flight path 15 degrees below the initial path (or at the steepest nose down attitude that the system will permit with full pitch control input if less than 15 degrees). The pilot's controls may be in the neutral position after reaching V_C/M_C and before recovery is initiated. Recovery may be initiated three seconds after operation of the high-speed warning device or immediately upon reaching V_C/M_C (whichever is higher) by application of a load factor of 1.5 g (0.5 g acceleration increment), or such greater load factor that is automatically applied by the system with the pilot's pitch control neutral; power may be reduced simultaneously if not already automatically reduced by the high-speed protection system. All other means of decelerating the airplane, the use of which are authorized up to the highest speed reached in the maneuver, may be used. The interval between successive pilot actions must not be less than one second.

(2) Any failure of the high-speed protection system that would affect the speed margin determined by paragraph (1) must be improbable (occur at a rate less than 10–5 per flight hour).

(3) Failures of the system must be annunciated to the pilots, and flight manual instructions must be provided to reduce the maximum operating speeds, V_{MO}/M_{MO}. The operating speed must be reduced to a value that maintains a speed margin between the reduced V_{MO}/M_{MO} and the lesser of V_{DF}/M_{DF} or V_D/M_D that is consistent with the margin determined from

paragraph (1)(a) and § 25.335(b)(2) without the benefit of the high-speed protection system.

(4) Master minimum equipment list (MMEL) relief for the high-speed protection system may be considered by the FAA Flight Operations Evaluation Board (FOEB) provided that the flight manual instructions indicate reduced maximum operating speeds as described in paragraph (3), and that no additional hazards are introduced with the high-speed protection system inoperative. In addition, the cockpit display of the reduced operating speeds, as well as the overspeed warning for exceeding those speeds, must be equivalent to that of the normal airplane with the high-speed protection system operative.

Issued in Kansas City, Missouri, on signature January 30, 2025.

Patrick R. Mullen,

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

[FR Doc. 2025–02214 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1884; Project Identifier AD–2023–00948–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Proposed rule; withdrawal.

SUMMARY: The FAA is withdrawing a notice of proposed rulemaking (NPRM) that proposed to supersede Airworthiness Directive (AD) 2023–08–04, which applies to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was prompted by reports of a loss of water pressure during flight and water leaks that affected multiple pieces of electronic equipment, and by the discovery that some clamshell couplings did not have the required safety strap. The NPRM would have required inspecting all door 1 and door 3 lavatory and galley potable water systems for missing or incorrectly installed clamshell couplings, inspecting all clamshell couplings for the presence and correct installation of safety straps at door 1 and door 3 lavatories and galleys with a potable water system, and performing applicable on-condition actions. The NPRM would have also prohibited the installation of affected parts at inspection locations and removed Model 787–10 airplanes from the applicability. Since issuance of the NPRM, the FAA has determined that the identified service information may not adequately address the unsafe condition on one of the galleys, and Model 787–10 airplanes should be included in the applicability. Accordingly, the NPRM is withdrawn.

DATES: As of February 4, 2025, the proposed rule, which was published in the **Federal Register** on July 15, 2024 (89 FR 57374), is withdrawn.

ADDRESSES: *AD Docket:* You may examine the AD docket at *regulations.gov* by searching for and locating Docket No. FAA–2024–1884; 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 AD action, any comments received, and other information. The street address for Docket Operations is Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Courtney Tuck, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3986; email: *Courtney.K.Tuck@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued an NPRM to amend 14 CFR part 39 to supersede AD 2023–08–04, Amendment 39–22419 (88 FR 33823, May 25, 2023) (AD 2023–08–04). AD 2023–08–04 applied to certain The Boeing Company Model 787–8, 787–9, and 787–10 airplanes. The NPRM was published in the **Federal Register** on July 15, 2024 (89 FR 57374). The NPRM was prompted by reports of a loss of water pressure during flight and water leaks that affected multiple pieces of electronic equipment. The NPRM was further prompted by the discovery that some clamshell couplings did not have the required safety strap and by the development of a design solution that replaces the strapless clamshell couplings with clamshell couplings that have safety straps to address the unsafe condition. In the NPRM, the FAA proposed to continue to require inspecting all door 1 and door 3 lavatory and galley potable water systems for missing or incorrectly installed clamshell couplings, and performing applicable on-condition actions. The NPRM also proposed to require inspecting all clamshell couplings for the presence and correct installation of safety straps at door 1 and door 3 lavatories and galleys with a potable water system, and performing applicable on-condition actions. The NPRM would have also prohibited the installation of affected parts at inspection locations and removed Model 787–10 airplanes from the applicability.

The proposed actions were intended to address water leaks and water migration to critical flight equipment, which may affect the continued safe flight and landing of the airplane.

Actions Since the NPRM Was Issued

Since issuance of the NPRM, Boeing advised the FAA that an inspection area is missing from Boeing Alert Requirements Bulletin B787–81205–SB250299–00 RB, Issue 001, dated July 31, 2023(as specified in paragraph (j) of the proposed AD). As a result, the NPRM may not adequately address the unsafe condition on one of the galleys. Specifically, Task 3, Figure 10, needs to be updated to add an inspection area to the FWD galley located at Door 1. According to Boeing, the current figure specifies inspection of only Detail K, the area above the galley carts, so Detail L will be added in a revised requirements bulletin to specify an inspection of the area behind all of the galley carts. Boeing anticipates release of the revised bulletin in the middle of 2025.

Since the NPRM does not address the unsafe condition and the unsafe condition still exists, the FAA is withdrawing the NPRM and considering additional rulemaking to require the revised service information. The FAA has determined that any new AD will be issued within the timeframe established by the safety assessment.

Withdrawal of the NPRM constitutes only such action and does not preclude the FAA from further rulemaking on this issue, nor does it commit the FAA to any course of action in the future.

Comments

The FAA received comments from United Airlines, the Air Line Pilots Association, International (ALPA), and an individual, who supported the NPRM without change.

The FAA also received a comment from The Boeing Company. The following presents the comment received on the NPRM and the FAA's response to the comment.

Request To Include Model 787–10 Airplanes

Boeing noted that some Model 787–10 airplanes could be in storage or are otherwise inactive and requested that

the proposed AD clarify that those airplanes that have not yet met the requirements of AD 2023–08–04 must still meet the inspection requirements of Boeing Alert Requirements Bulletin B787–81205–SB380021–00 RB, Issue 001, dated August 12, 2022.

The FAA agrees that the applicability of the NPRM did not include Model 787–10 airplanes. Those airplanes had been removed from the applicability of the proposed AD because Boeing had originally stated that Model 787–10 airplanes were delivered with safety-strap clamshell couplings on affected potable water lines, so those airplanes were not included in Boeing Requirements Bulletin B787–81205–SB250299–00 RB, Issue 001, dated July 31, 2023 (the service information specified in paragraph (j) of the proposed AD). Accordingly, the NPRM stated that Model 787–10 airplanes were no longer subject to the unsafe condition and therefore not included in the applicability. However, as Boeing stated, there is a possibility that some Model 787–10 airplanes may have been in storage and not inspected as required by AD 2023–08–04 (and restated in retained paragraph (g) of the proposed AD). Therefore, if appropriate, those airplanes will be included in future rulemaking that addresses the unsafe condition. Because the NPRM is withdrawn, no further action is necessary for this NPRM.

FAA's Conclusions

Upon further consideration, the FAA has determined that the NPRM would not adequately address the identified unsafe condition. Accordingly, the NPRM is withdrawn. AD 2023–08–04 remains in effect unless it is later superseded.

Regulatory Findings

Since this action only withdraws an NPRM, it is neither a proposed nor a final rule. This action therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 39

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

The Withdrawal

■ Accordingly, the notice of proposed rulemaking (Docket No. FAA–2024–1884), which was published in the **Federal Register** on July 15, 2024 (89 FR 57374), is withdrawn.

Issued on January 28, 2025.

Suzanne Masterson,

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

[FR Doc. 2025–02069 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2025–0016; Project Identifier MCAI–2023–01047–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by March 21, 2025.

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

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2025–0016; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Bombardier material identified in this proposed 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.

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

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2025–0016; Project Identifier MCAI–2023–01047–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend the proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each

page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Mark Taylor, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 516–228–7300; email: *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

Transport Canada, which is the aviation authority for Canada, has issued Transport Canada AD CF–2023–65, dated October 3, 2023 (Transport Canada AD CF–2023–65) (also referred to after this as the MCAI), to correct an unsafe condition for certain Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes. The MCAI states that new or more restrictive airworthiness limitations have been developed.

The FAA is proposing this AD to address new or more restrictive airworthiness limitations. Failure to adhere to the specified airworthiness limitations could adversely affect the stability and controllability of the airplane on landing and could result in damage to the airplane. You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2025–0016.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed the following Bombardier documents:

- Part 2, ''Airworthiness Limitations,'' of Bombardier Global Express Time Limits/Maintenance Checks (TLMC), Publication No. BD–700 TLMC, Revision 35, dated December 19, 2023. (For obtaining this part of Bombardier Global Express TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 700 TLMC.)
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC, Revision 22, dated December 19, 2023. (For obtaining this part of Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC, use Document Identification No. GL XRS TLMC.)
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global 6000 TLMC, Publication No. GL 6000 TLMC, Revision 16, dated December 19, 2023.
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global 6500 TLMC, Publication No. GL 6500 TLMC, Revision 5, dated December 19, 2023.
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC, Revision 26, dated December 19, 2023. (For obtaining this part of Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 5000 TLMC.)
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5500 TLMC, Publication No. GL 5500 TLMC, Revision 5, dated December 19, 2023.
- Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5000 GVFD TLMC, Revision 16, dated December 19, 2023.

This material specifies new or more restrictive airworthiness limitations for safe life limits (for certain main landing gear and nose landing gear components) and certification maintenance requirements (for the shock strut axle and service door, pitch trim actuator, and nose landing gear shock-strut assembly to retraction-actuator main-fitting joint). These documents are distinct since they apply to different airplane models in different 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.

FAA's Determination

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of Design Authority, the FAA has been notified of the unsafe condition described in the MCAI and material referenced above. The FAA is proposing this AD because the FAA evaluated all the relevant information and determined the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed Requirements of This NPRM

This proposed AD would require revising the existing maintenance or inspection program, as applicable, to incorporate new or more restrictive airworthiness limitations.

This proposed AD would require revisions to certain operator maintenance documents to include new actions (*e.g.,* inspections). Compliance with these actions is required by 14 CFR 91.403(c). For airplanes that have been previously modified, altered, or repaired in the areas addressed by this proposed AD, the operator may not be able to accomplish the actions described in the revisions. In this situation, to comply with 14 CFR 91.403(c), the operator must request approval for an alternative method of compliance according to paragraph (j)(1) of this proposed AD.

Differences Between This Proposed AD and the MCAI

Although the applicability of Transport Canada AD CF–2023–65 includes Bombardier, Inc., Model BD–700–1A10 airplane having serial number 9001, that airplane is not included on the U.S. type certificate data sheet. Therefore, the applicability of this proposed AD does not include that airplane.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 484 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

The FAA has determined that revising the maintenance or inspection program takes an average of 90 work-hours per operator, although the agency recognizes that this number may vary from operator to operator. Since operators incorporate maintenance or inspection program changes for their affected fleet(s), the FAA has determined that a per-operator estimate is more accurate than a per-airplane estimate. Therefore, the agency estimates the average total cost per operator to be $7,650 (90 work-hours × $85 per work-hour).

Authority for This Rulemaking

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

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

develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Bombardier, Inc.: Docket No. FAA–2025–0016; Project Identifier MCAI–2023–01047–T.

(a) Comments Due Date

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

(b) Affected ADs

None.

(c) Applicability

This AD applies to Bombardier, Inc., Model BD–700–1A10 and BD–700–1A11 airplanes, certificated in any category, having serial numbers (S/Ns) 9002 through 9879 inclusive, 9998, and 60001 through 60065 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 new or more restrictive airworthiness limitations. Failure to adhere to the specified airworthiness limitations could adversely affect the stability and controllability of the airplane on landing and could result in damage to the airplane.

(f) Compliance

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

(g) Maintenance or Inspection Program Revision

Within 60 days after the effective date of this AD, revise the existing maintenance or inspection program, as applicable, to incorporate the information specified in the tasks identified in table 1 to paragraph (g) of this AD, of Part 2, ''Airworthiness Limitations,'' of the applicable time limits/maintenance checks (TLMC) manual identified in table 2 of this AD. The initial compliance time for doing the tasks is at the time specified in the applicable TLMC manual identified in table 2 to paragraph (g) of this AD, or within 60 days after the effective date of this AD, whichever occurs later, except as provided by paragraph (h) of this AD.

TABLE 1 TO PARAGRAPH (g)—NEW OR REVISED TASKS

Applicable airplane model (marketing designation)	Chapter 5 task No.	Task title	Affected section
All airplanes	27–41–09–107	Restoration of the Pitch Trim Actuator, Part No. GT412–4001–7.	5–10–20, ''Time Limits—Supplementary Limitations''.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–11–17–106	Discard the Main Landing Gear (MLG) Side-Stay Upper-Pin, Part No. GM227–1725.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes	32–21–01–101	Discard the Nose Landing Gear (NLG) Shock Strut Axle, Part No. 1286–0201/–0203/–0204.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–21–01–103	Discard the Nose Landing Gear (NLG) Shock Strut Main Fitting, Part No. 1286–0101/–0109.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–21–01–107	Discard the Nose Landing Gear (NLG) Shock Strut Retraction Actuator Bolt, Part No. 1285–0007/–0041.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–21–01–108	Discard the Nose Landing Gear (NLG) Shock Strut Steering Actuator Bolt, Part No. 1285–0010.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–21–05–107	Discard the Nose Landing Gear (NLG) Drag Brace Forward Stabilizer Link, Part No. 22580.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–21–05–108	Discard the Nose Landing Gear (NLG) Drag Brace Aft Stabilizer Link, Part No. 22585.	5–10–10, ''Life Limits (Structures),'' or 5-10-90, ''Life Limits (Structures),'' as applicable.

TABLE 1 TO PARAGRAPH (g)—NEW OR REVISED TASKS—Continued

Applicable airplane model (marketing designation)	Chapter 5 task No.	Task title	Affected section
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–32–01–105	Discard the Main Landing Gear (MLG) Retraction Actuator Assembly, Part No. 21600.	5–10–90, ''Life Limits (Structures)''.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–32–05–107	Discard the Main Landing Gear (MLG) Uplock Assembly, Part No. 21900.	5–10–90, ''Life Limits (Structures)''.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–33–01–105	Discard the Nose Landing Gear (NLG) Retraction Actuator Assembly, Part No. 22400–101/–103.	5–10–90, ''Life Limits (Structures)''.
Model BD–700–1A10 (Global Express and Global Express XRS) airplanes.	32–33–01–111	Restoration of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (Post SB 700–32–035 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A10 (Global 6000) airplanes.	32–33–01–111	Restoration of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (A/C 9640 and Subs or A/C Post SB 700–32–6011 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–33–01–111	Restoration of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint.	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A11 (Global 5000) airplanes.	32–33–01–111	Restoration of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (Post SB 700–1A11–32–022 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A11 (Global 5000 featuring GVFD) airplanes.	32–33–01–111	Restoration of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (A/C 9639 and Subs or A/C Post SB 700–32–5011 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
All airplanes except Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–33–05–106	Discard the Nose Landing Gear (NLG) Uplock Assembly, Part No. 22600–101/–103.	5–10–90, ''Life Limits (Structures)''.
Model BD–700–1A10 (Global Express and Global Express XRS) airplanes.	32–33–01–112	Detailed Inspection of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (Post SB 700–32–035 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A10 (Global 6000) airplanes.	32–33–01–112	Detailed Inspection of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (A/C 9640 and Subs or A/C Post SB 700–32–6011 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A10 (Global 6500) airplanes and Model BD–700–1A11 (Global 5500) airplanes.	32–33–01–112	Detailed Inspection of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint.	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A11 (Global 5000) airplanes.	32–33–01–112	Detailed Inspection of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (Post SB 700–1A11–32–022 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A11 (Global 5000 featuring GVFD) airplanes.	32–33–01–112	Detailed Inspection of the Nose Landing Gear (NLG) Shock-Strut Assembly to Retraction-Actuator Main-Fitting Joint (A/C 9639 and Subs or A/C Post SB 700–32–5011 Part C).	5–10–20, ''Time Limits—Supplementary Limitations''.
Model BD–700–1A10 (Global Express, Global Express XRS, Global 6000, and Global 6500) airplanes.	53–20–00–122	Detailed Inspection of the Machined Fittings and Skin Around the Service Door, FS295.00 to FS310.00 and STR22R to STR24R.	5–10–30, ''Airworthiness Limitation Items''.
All Model BD–700–1A11 (Global 5000, Global 5500, and Global 5000 featuring GVFD) airplanes.	53–20–00–122	Detailed Inspection of the Machined Fittings and Skin Around the Service Door, FS295.00+32.00 to FS310.00+32.00 and STR22R to STR24R.	5–10–30, ''Airworthiness Limitation Items''.

TABLE 1 TO PARAGRAPH (g)—NEW OR REVISED TASKS—Continued

Applicable airplane model (marketing designation)	Chapter 5 task No.	Task title	Affected section
Model BD–700–1A10 (Global Express, Global Express XRS, Global 6000, and Global 6500) airplanes.	53–20–00–140	Detailed Inspection of the External Skin Around the Service Door Cutout, FS295.00 to FS310.00 and STR22R to STR24R.	5–10–50, ''High Altitude Special Conditions (HASC) Limitations''.
Model BD–700–1A11 (Global 5000, Global 5500, and Global 5000 featuring GVFD) airplanes.	53–20–00–140	Detailed Inspection of the External Skin Around the Service Door Cutout, FS295.00+32.00 to FS310.00+32.00 and STR22R to STR24R.	5–10–50, ''High Altitude Special Conditions (HASC) Limitations''.

TABLE 2 TO PARAGRAPH (g)—APPLICABLE TLMC MANUAL

Airplane model (marketing designation)	Title	Revision	Date
Model BD–700–1A10 (Global Express)	Bombardier Global Express TLMC, Publication No. BD–700 TLMC [1].	35	December 19, 2023.
Model BD–700–1A10 (Global Express XRS)	Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC [2].	22	December 19, 2023.
Model BD–700–1A10 (Global 6000)	Bombardier Global 6000 TLMC, Publication No. GL 6000 TLMC.	16	December 19, 2023.
Model BD–700–1A10 (Global 6500)	Bombardier Global 6500 TLMC, Publication No. GL 6500 TLMC.	5	December 19, 2023.
Model BD–700–1A11 (Global 5000)	Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC [3].	26	December 19, 2023.
Model BD–700–1A11 (Global 5500)	Bombardier Global 5500 TLMC, Publication No. GL 5500 TLMC.	5	December 19, 2023.
Model BD–700–1A11 (Global 5000 featuring Global Vision Flight Deck (GVFD)).	Bombardier Global 5000 TLMC, Publication No. GL 5000 GVFD TLMC.	16	December 19, 2023.

[1] For obtaining the tasks specified in Bombardier Global Express TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 700 TLMC.
[2] For obtaining the tasks specified in Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC, use Document Identification No. GL XRS TLMC.
[3] For obtaining the tasks specified in Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 5000 TLMC.

(h) Exception to the Compliance Time for a Certain Task

For Task No. 32–33–01–112 of section 5–10–20, ''Time Limits—Supplementary Limitations,'' of Part 2, ''Airworthiness Limitations,'' of the applicable TLMC manual identified in table 2 of this AD: The initial compliance time for doing this task is at the applicable compliance time specified in paragraph (h)(1) or (2) of this AD, or within 60 days after the effective date of this AD, whichever occurs later.

(1) For airplanes that have accomplished Task No. 32–33–01–111, of section 5–10–20, ''Time Limits—Supplementary Limitations,'' of Part 2, ''Airworthiness Limitations,'' of the applicable TLMC manual identified in table 2 of this AD, as of the effective date of this AD: Within 1,500 flight hours after the effective date of this AD, or within 1,500 flight cycles (*i.e.,* landings) after the most recent accomplishment of Task No. 32–33–01–111, whichever occurs first.

(2) For airplanes that have not accomplished Task No. 32–33–01–111, of section 5–10–20, ''Time Limits—Supplementary Limitations,'' of Part 2, ''Airworthiness Limitations,'' of the applicable TLMC manual identified in table 2 of this AD, as of the effective date of this AD: Within 1,500 flight hours after the effective date of this AD, or before the accumulation of 1,500 total flight cycles (*i.e.,* landings), whichever occurs first.

(i) No Alternative Actions and Intervals

After the existing maintenance or inspection program has been revised as required by paragraphs (g) of this AD, no alternative actions (*e.g.,* inspections) or intervals may be used unless the actions and intervals are approved as an alternative method of compliance (AMOC) in accordance with the procedures specified in paragraph (j)(1) of this AD.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) Part 2, ''Airworthiness Limitations,'' of Bombardier Global Express Time Limits/Maintenance Checks (TLMC), Publication No. BD–700 TLMC, Revision 35, dated December 19, 2023.

Note 1 to paragraph (l)(2)(i): For obtaining the information specified in paragraph (l)(2)(i) of this AD for Bombardier Global Express TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 700 TLMC.

(ii) Part 2, ''Airworthiness Limitations,'' of Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC, Revision 22, dated December 19, 2023.

Note 2 to paragraph (l)(2)(ii): For obtaining the information specified in paragraph (l)(2)(ii) of this AD for Bombardier Global Express XRS TLMC, Publication No. BD–700 XRS TLMC, use Document Identification No. GL XRS TLMC.

(iii) Part 2, ''Airworthiness Limitations,'' of Bombardier Global 6000 TLMC, Publication No. GL 6000 TLMC, Revision 16, dated December 19, 2023.

(iv) Part 2, ''Airworthiness Limitations,'' of Bombardier Global 6500 TLMC, Publication No. GL 6500 TLMC, Revision 5, dated December 19, 2023.

(v) Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC, Revision 26, dated December 19, 2023.

Note 3 to paragraph (l)(2)(v): For obtaining the information specified in paragraph (l)(2)(v) of this AD for Bombardier Global 5000 TLMC, Publication No. BD–700 TLMC, use Document Identification No. GL 5000 TLMC.

(vi) Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5500 Time Limits/Maintenance Checks, Publication No. GL 5500 TLMC, Revision 5, dated December 19, 2023.

(vii) Part 2, ''Airworthiness Limitations,'' of Bombardier Global 5000 TLMC, Publication No. GL 5000 GVFD TLMC, Revision 16, dated December 19, 2023.

(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 27, 2025.

Steven W. Thompson,

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

[FR Doc. 2025–02035 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2114; Airspace Docket No. 24–AGL–19]

RIN 2120–AA66

Amendment of Class E Airspace; Marysville, OH

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at Marysville, OH. The FAA is proposing this action as the result of an airspace review conducted due to the decommissioning of the Marysville nondirectional beacon (NDB). This action will bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before March 21, 2025.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2114 and Airspace Docket No. 24–AGL–19 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instruction for sending your comments electronically.

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

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

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: Rebecca Shelby, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5857.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend the Class E airspace extending upward from 700 feet above the surface at Union County Airport, Marysville, OH, to support IFR operations at this airport.

Comments Invited

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

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

expense or delay. The FAA may change this proposal in light of the comments it receives.

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

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published subsequently in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile (increased from a 6.3-mile) radius of Union County Airport, Marysvillle, OH; removing the Marysville NDB and associated extension; adding an extension 2 miles each side of the 263° bearing from the airport extending from the 6.7-mile radius of the airport to 9.8 miles west of the airport; removing the exclusionary language as it is no longer required; and removing the city associated with the airport in the airspace legal description to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters.

This action is the result of an airspace review conducted as part of the decommissioning of the Marysville NDB and to support IFR operations at this airport.

Regulatory Notices and Analyses

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

Environmental Review

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

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

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

* * * * *

AGL OH E5 Marysville, OH [Amended]

Union County Airport, OH
(Lat. 40°13′2847″ N, long. 83°21′06″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of the Union County Airport; and within 2 miles each side of the 263° bearing from the airport extending from the 6.7-mile radius to 9.8 miles west of the airport.

* * * * *

Issued in Fort Worth, Texas, on January 28, 2025.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2025–02131 Filed 2–3–25; 8:45 am]

BILLING CODE 4910–13–P

Notices

Federal Register

Vol. 90, No. 22

Tuesday, February 4, 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.

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2025–0008–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board received 201 pages of records from the National Archives and Records Administration (NARA) related to four civil rights cold case incidents to which the Review Board assigned the unique identifiers 2024–003–032, 2024–003–036, 2024–003–056, and 2024–003–059. NARA proposed seven (7) postponements of disclosure in records related to incident 2024–003–059. NARA did not propose postponements in the other records. On January 24, 2025, the Review Board rejected the proposed postponements and determined that all 201 pages of records should be publicly disclosed in the Civil Rights Cold Case Records Collection. By issuing this notice, the Review Board complies with section 7(c)(4) of the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

Authority: Pub. L. 115–426, 132 Stat. 5489 (44 U.S.C. 2107).

Dated: January 30, 2025.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2025–02198 Filed 2–3–25; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

Economic Development Administration

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Requirements for Approved Construction Investments

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on November 7, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: Economic Development Administration (EDA), Commerce.

Title: Requirements for Approved Construction Investments.

OMB Control Number: 0610–0096.

Form Number(s): None.

Type of Request: Regular submission (revision and extension of a currently approved information collection).

Number of Respondents: 3,500.

Average Hours per Response: 2 hours.

Burden Hours: 7,000 hours.

Needs and Uses: EDA may award assistance for construction projects through its Public Works and Economic Adjustment Assistance (EAA) Programs. Public Works Program investments help support the construction or rehabilitation of essential public infrastructure and facilities necessary to generate or retain private sector jobs and investments, attract private sector capital, and promote vibrant economic ecosystems, regional competitiveness and innovation. The EAA Program provides a wide range of technical, planning and infrastructure assistance in regions experiencing adverse economic changes that may occur suddenly or over time.

EDA is seeking an extension of the series of checklists and templates that constitute EDA's post-approval construction tools and the Standard Terms and Conditions for Construction Projects. These checklists and templates, as well as any special conditions incorporated into the terms and conditions at the time of award, supplement the requirements that apply to EDA-funded construction projects.

Affected Public: Current recipients of EDA construction (Public Works or Economic Assistance Adjustment) awards, to include (1) cities or other political subdivisions of a state, including a special purpose unit of state or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions; (2) states; (3) institutions of higher education or a consortium of institutions of higher education; (4) public or private non-profit organizations or associations; (5) District Organizations; and (6) Indian Tribes or a consortia of Indian Tribes.

Frequency: One time, although some are periodic.

Respondent's Obligation: Mandatory.

Legal Authority: The Public Works and Economic Development Act of 1965 (42 U.S.C. 3121 *et seq.*).

This information collection request may be viewed at *reginfo.gov.* Follow the instructions to view Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0610–0096.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary of Economic Affairs, Commerce Department.

[FR Doc. 2025–02211 Filed 2–3–25; 8:45 am]

BILLING CODE 3510–24–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–469–814]

Chlorinated Isocyanurates From Spain: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that sales of chlorinated isocyanurates (chlorinated isos) from Spain were not sold in the United States at less than normal value during the period of review (POR), June 1, 2022, through May 31, 2023.

DATES: Applicable February 4, 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 July 9, 2024, Commerce published in the **Federal Register** the *Preliminary Results* of the 2022–2023 administrative review of the antidumping duty order on chlorinated isos from Spain.[1] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[2] On October 31, 2024, Commerce extended the deadline for the final results of review until January 10, 2025.[3] Additionally, on December 9, 2024, Commerce tolled the deadline to issue the final results in this administrative review by 90 days.[4] Accordingly, the deadline for these final results is now April 10, 2025.

We invited interested parties to comment on the *Preliminary Results;*[5] however, no interested party submitted comments. Accordingly, the final results remain unchanged from the *Preliminary Results,* and thus, there are no decision memoranda accompanying this notice. Commerce conducted this administrative review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order[6]

The products covered by the *Order* are chlorinated isos from China.[7]

Final Results of Review

In the *Preliminary Results,* we calculated weighted-average dumping margins for

Ercros S.A. (Ercros) and Electroquimica de Hernani, S.A. (EHER) that are zero, and we did not calculate any margins which are not zero, *de minimis,* or determined entirely on the basis of facts available. Therefore, consistent with section 735(c)(5)(B) of the Act, in the *Preliminary Results* we applied to Industrias Quimicas Tamar S.L. (Industrias Quimicas Tamar), the company not selected for individual examination in this review, a margin of zero percent. We received no comments with respect to our preliminary finding. Therefore, for these final results, we continue to determine the following weighted-average dumping margins for the period June 1, 2022, through May 31, 2023:

Manufacturer/exporter	Weighted-average dumping margin (percent)
Ercros S.A	0.00
Electroquimica de Hernani, S.A	0.00
Industrias Quimicas Tamar S.L	0.00

Disclosure

Normally, Commerce will disclose to the parties in a proceeding the calculations performed in connection with the final results within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of the notice of final results in the **Federal Register**, in accordance with 19 CFR 351.224(b). Because Commerce received no comments and therefore, has not modified its analysis or calculations from the *Preliminary Results,*[8] there are no new calculations to disclose for these final results of review in accordance with 19 CFR 351.224(b).

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined in these final results of this review, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise during the POR.

Pursuant to 19 CFR 351.212(b)(1), we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for examined sales to each importer to the total entered value of those sales. Where an importer-specific assessment rate is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

In accordance with Commerce's ''automatic assessment'' practice, for entries of subject merchandise that entered the United States during the POR that were produced by each respondent for which it did not know that its merchandise was destined to the United States, Commerce will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.,* 24.83 percent),[9] if there is no rate for the intermediate company(ies) involved in the transaction.[10]

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results of review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.,* within 90 days of publication).

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of chlorinated isos from Spain entered, or withdrawn from warehouse, for consumption on or after the publication date of this notice in the **Federal Register**, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies under review will be equal to the weighted-average dumping margin listed in the ''Final Results of Review'' section above (except, if the rate is zero or *de minimis,* no cash deposit will be required); (2) for merchandise that was exported by a

[1] *See Chlorinated Isocyanurates from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 56295 (July 9, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024 (barcode ACCESS code 4605486–01, dated July 29, 2024).

[3] *See* Memorandum, ''Extension of Deadline for Final Results of Antidumping Duty Administrative Review,'' dated October 31, 2024.

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated December 9, 2024.

[5] *See Preliminary Results,* 89 FR at 56296.

[6] *See Chlorinated Isocyanurates from Spain: Notice of Antidumping Duty Order,* 70 FR 36562 (June 24, 2005) (*Order*).

[7] For a complete description of the scope of the *Order, see Preliminary Results* PDM at 2.

[8] *See Preliminary Results.*

[9] *See Order.*

[10] For a full discussion of this practice, *see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties,* 68 FR 23954 (May 6, 2003).

company that is not under review and the company has a company-specific cash deposit rate from a completed segment of this proceeding, the cash deposit rate will continue to be the company-specific cash deposit rate from a completed segment of the proceeding that is currently applicable to the company; (3) if the exporter of the subject merchandise was not covered by this review or a previously completed segment of this proceeding, but the producer of the subject merchandise was covered, then the cash deposit rate will be equal to the company-specific cash deposit rate from a completed segment of this proceeding that is currently applicable to the producer of the subject merchandise; and, (4) if neither the exporter nor the producer of the subject merchandise was covered by this review or a previously completed segment of this proceeding, then the cash deposit rate will be 24.83 percent *ad valorem,* the all-others rate established in the less than fair value investigation.[11] These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during the POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

Administrative Protective Order

This notice also serves as a reminder to parties subject to an administrative protective order (APO) of their responsibility concerning the return or destruction 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 the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5).

Dated: January 28, 2025.

Abdelali Elouaradia,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–02216 Filed 2–3–25; 8:45 am]

BILLING CODE 3510–DS–P

[11] *See Order.*

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–809]

Circular Welded Non-Alloy Steel Pipe From the Republic of Korea: Notice of Court Decision Not in Harmony With the Results of Antidumping Administrative Review; Notice of Amended Final Results

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

SUMMARY: On January 15, 2025, the U.S. Court of International Trade (CIT) issued its final judgment in *Wheatland Tube* v. *United States,* Court no. 22–00160, sustaining the U.S. Department of Commerce (Commerce)'s first remand results pertaining to the administrative review of the antidumping duty (AD) order on circular welded non-alloy steel pipe (CWP) from the Republic of Korea (Korea) covering the period November 1, 2019 through October 31, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review, and that Commerce is amending the final results with respect to the dumping margin assigned to Husteel Co., Ltd. (Husteel), Hyundai Steel Company (Hyundai), and the companies not selected for individual examination.

DATES: Applicable January 24, 2025.

FOR FURTHER INFORMATION CONTACT: Dusten Hom, 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) 482–5075.

SUPPLEMENTARY INFORMATION:

Background

On May 4, 2022, Commerce published its *Final Results* in the 2019–2020 AD administrative review of CWP from Korea. Commerce granted a constructed export price (CEP) offset to both Hyundai and Husteel (collectively, the mandatory respondents). The calculated weighted-average dumping margins for Hyundai and Husteel were 4.07 percent and 1.97 percent, respectively. Furthermore, the review specific rate assigned to companies not selected for individual examination was 3.21 percent.[1]

Wheatland Tube appealed Commerce's *Final Results.* On August 3, 2023, the CIT remanded the *Final Results* to Commerce to: (1) provide the mandatory respondents with notice of deficiency in their respective submissions supporting their claims that home market sales during the period of review were at a more advanced level of trade (LOT) than the CEP level of trade; and (2) provide, to the extent practicable, an opportunity to remedy or explain the deficiencies identified in the *Final Results.*[2] Commerce subsequently issued a supplemental questionnaire on remand to each of the mandatory respondents identifying deficiencies and requesting information regarding their respective LOT analyses. In its *Final Redetermination,* issued in November 2023, Commerce denied a CEP offset to both of the mandatory respondents and recalculated the weighted-average dumping margins for both Hyundai and Husteel without a CEP offset, and revised the review specific rate assigned to companies not selected for individual examination.[3] The CIT sustained Commerce's *Final Redetermination.*[4]

Timken Notice

In its decision in *Timken,*[5] as clarified by *Diamond Sawblades,*[6] the U.S. 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 15, 2025, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published

[1] *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2019–2020,* 87 FR 26343 (May 4, 2022) (*Final Results*).

[2] *See Wheatland Tube* v. *United States,* 650 F. Supp. 3d 1379, 1383 (CIT 2023).

[3] *See Final Results of Redetermination Pursuant to Court Remand, Wheatland Tube* v. *United States,* Court No. 22–00160, Slip Op. 23–112 (CIT June 9, 2023), dated November 1, 2023 (*Final Redetermination*).

[4] *See Wheatland Tube* v. *United States,* Court No. 22–00160, Slip Op. 25–5 (CIT January 15, 2025).

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

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

in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Husteel, Hyundai, and the companies not selected for individual examination as follows:

Producer/exporter	Weighted-average dumping margin (percent) [7]
Hyundai Steel Company	2.42
Husteel Co., Ltd	4.95
Non-Selected Companies [8]	3.91

Cash Deposit Requirements

Because Hyundai, Husteel, and each of the companies not selected for individual examination listed in the appendix all have a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review,[9] we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rates for those exporters/producers.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that were produced and/or exported by: Husteel; Hyundai; Aju Besteel; Bookook Steel; Chang Won Bending; Dae Ryung; Daewoo Shipbuilding & Marine Engeineering (DSME); Daiduck Piping; Dong Yang Steel Pipe; Dongbu Steel (also known as Dongbu Steel Co., Ltd.); Eew Korea Company; Hyundai Rb; Kiduck Industries; Kum Kang Kind; Kumsoo Connecting; Miju Steel Mfg. (also known as Miju Steel Manufacturing); Nexteel Co., Ltd. (also known as Nexteel); Samkang M&T; Seah Fs; Seah Steel (also known as Seah Steel Corporation); Steel Flower; Vesta Co., Ltd.; and Ycp Co.; and were entered, or withdrawn from warehouse, for consumption during the period November 1, 2019 through October 31, 2020. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise produced and/or exported by the companies listed above in accordance with 19 CFR 351.212(b). We will instruct CBP to assess antidumping duties on all appropriate entries covered by this review when the importer-specific *ad valorem* assessment rate is not zero or *de minimis.* Where an import-specific *ad valorem* assessment rate is zero or *de minimis,*[10] we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

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: January 24, 2025.

Abdelali Elouaradia,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2025–02166 Filed 2–3–25; 8:45 am]

BILLING CODE 3510–DS–P

[7] We note that the rates for Hyundai Steel Company and Husteel Co., Ltd. were in inadvertently switched in the *Final Redetermination.* The correct rates were listed in the Draft Results of Redetermination Pursuant to Court Remand, *Wheatland Tube* v. *United States, et al.* Court No. 22–00160, Slip Op. 23–112 (CIT June 9, 2023) and remained unchanged in the *Final Redetermination.*

[8] *See* the appendix to this notice for an exhaustive list of all non-individually examined companies.

[9] *See Circular Welded Non-Alloy Steel Pipe from the Republic of Korea: Final Results of Antidumping Duty Administrative Review and Final Determination of No Shipments; 2021–2022; Correction,* 89 FR 49842 (June 12, 2024).

[10] *See* 19 CFR 351.106(c)(2).

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE640]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Gulf Council) and South Atlantic Fishery Management Council (South Atlantic Council) will hold a joint in-person meeting of their Standing Scientific and Statistical Committees (SSCs), followed by an in-person meeting of the Gulf Council's SSC.

DATES: The meeting will be held Tuesday, February 25, 2025 through Thursday, February 27, 2025; 8:30 a.m.–5 p.m., EST, daily.

ADDRESSES: The meeting will take place at the Gulf Council office. Registration information will be available on the Council's website by visiting *www.gulfcouncil.org* and clicking on the ''meeting tab''.

Council address: Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348–1630.

FOR FURTHER INFORMATION CONTACT: Mr. Ryan Rindone, Lead Fishery Biologist, Gulf of Mexico Fishery Management Council; *ryan.rindone@gulfcouncil.org,* telephone: (813) 348–1630.

SUPPLEMENTARY INFORMATION:

Tuesday, February 25, 2025; 8:30 a.m.–5 p.m., EST

The meeting will begin in a Joint Meeting of the Gulf and South Atlantic SSCs with Introductions, and Adoption of the Agenda and Scope of Work. The SSCs will review and discuss the SEDAR 79: Southeastern U.S. *Mutton Snapper* Stock Assessment, followed by the SEDAR 96: Southeastern U.S. *Yellowtail Snapper* Stock Assessment. These assessment agenda items will include presentations, Gulf Fisherman Feedback, South Atlantic Fishery Performance Reports, background materials and SSC discussion. The SSCs will then review the South Atlantic Council's Acceptable Biological Catch (ABC) Control Rule.

Public comments will be heard at the end of the day, if any.

Wednesday, February 26, 2025; 8:30 a.m.–5 p.m., EST

The Standing SSCs will return in a joint session to review and discuss SEDAR 79: Southeastern U.S. *Mutton Snapper* Catch Limit Projections and SEDAR 96: Southeastern U.S. *Yellowtail Snapper* Catch Limit Projections, including presentations and SSC discussions.

Following lunch, the Gulf SSC will convene to review and approve summary minutes from its December 2024 webinar meeting. The Gulf SSC will also review the SEDAR 88 Stock Assessment of Gulf *Red Grouper,* including a presentation, Gulf Fisherman Feedback, background materials and SSC discussion. The Gulf SSC will then discuss the SEDAR 100: Gulf *Gray Triggerfish* Participants for the Data, Assessment and Review Phases. The Gulf SSC will next review the SEDAR 88 Projections for *Red Grouper,* including a presentation and SSC discussions. Public comments will be heard at the end of the day, if any.

Thursday, February 27, 2025; 8:30 a.m.–5 p.m., EST

The Gulf SSC will review results from Return 'Em Right Studies. They will review: Determination of Predation Mortality, Barotrauma Survival, and Emigration Patterns for Catch-and-released *Red Snapper;* Do Descender Devices Increase Opportunities for Depredation? A Gulf-wide Examination of Descender Device Depredation Rates and Depredating Species; Mitigation of *Gag* Release Mortality in the Eastern Gulf of Mexico; Awareness, Attitudes, Perceptions, and Use of Best Fishing Practices by Recreational Reef Anglers in the Gulf of Mexico. Review of these studies will include presentations, background manuscripts, and SSC discussions.

Following lunch, the Gulf SSC will review: Florida At-sea Observer Data Collection Methods, Results and Analysis; Alabama At-sea Observer Data Collection Methods, Results and Analysis; Mississippi At-sea Observer Data Collection Methods, Results and Analysis; Louisiana and Texas Expansion of At-sea Observer Data Collection Methods, Results and Analysis. These reviews will include presentations, background manuscripts and SSC discussions.

The Gulf SSC will receive an update on Ongoing Projects, review of Best Release Practices Manual for *Reef Fish* and Related Species, and offer SSC Recommendations on the Use of Return 'Em Right Science for Informing Fisheries Management. Public comments will be heard at the end of the day, if any.

The Gulf SSC will then review Other Business, including SEDAR 87 Review Workshop Volunteers and SEDAR 98 Assessment Process and Review Workshop Volunteers.

—Meeting Adjourns

The meeting will also be broadcast via webinar. You may register for the webinar by visiting *www.gulfcouncil.org* and clicking on the SSC meeting on the calendar.

The Agenda is subject to change, and the latest version along with other meeting materials will be posted on *www.gulfcouncil.org* as they become available.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the Scientific and Statistical Committee will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take-action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Kathy Pereira, (813) 348–1630, at least 5 days prior to the meeting date.

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

Dated: January 29, 2025.

Rey Israel Marquez,

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

[FR Doc. 2025–02136 Filed 2–3–25; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; NOAA Geospatial Metadata

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on October 3, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: NOAA Geospatial Metadata tools.

OMB Control Number: 0648–0024.

Form Number(s): None.

Type of Request: Regular submission, revision and extension of a current information collection.

Number of Respondents: 1,430.

Average Hours per Response: 1.75.

Total Annual Burden Hours: 2,590.

Needs and Uses: This request is for revision and extension of a currently approved information collection. The National Oceanic and Atmospheric Administration (NOAA) collects, generates, retains, and redistributes geospatial metadata in a wide array of data formats covering diverse aspects of earth, biological, and space sciences. To fully understand and reuse these data over the course of many years, NOAA provides several metadata documentation tools for various communities of users to enable them to easily create complete, standards-based descriptive information about geospatial data. The following tools, in use or planned for use by NOAA program offices, are authorized to collect geospatial metadata consistent with Executive Order 12906, NOAA Administrative Order 212–15, and the 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results'. Geospatial metadata collected by the listed tools are 'voluntary' but the ability for data documented by relevant geospatial metadata is significantly degraded if metadata are incomplete, inaccurate or otherwise less than the information collection tool supports.

National Environmental Satellite, Data and Information Service (NESDIS): Send2NCEI web application (currently approved as OMB Control Number: 0648–0024).

National Environmental Satellite, Data and Information Service: Advanced Tracking and Resource tool for Archive Collections (ATRAC) web application.

National Environmental Satellite, Data and Information Service: Collection Metadata Editing Tool (CoMET) web application.

National Marine Fisheries Service (NMFS): InPort metadata authoring tool.

Office of Oceanic and Atmospheric Research (OAR): Science Data Information System (SDIS) metadata and data submission tool.

Collecting geospatial metadata is necessary to fully understand, use, and reuse geospatial data since the metadata provides contextual information about data formats, bounding areas, use and access limitations (if any). Geospatial metadata from this information collection also supports multiple search and discovery catalog services, such as *data.gov*, NASA Global Change Master Directory (GCMD), and many others.

Information will be collected from data producers (primarily university, private industry, and government-funded scientific researchers) in multiple fields of geosciences, biological and atmospheric sciences, and socio-

economic sciences. Geospatial metadata typically includes descriptive information about specific observed, calculated, or modelled data (*e.g.,* title, abstract, purpose statement, descriptive discovery keywords), characteristics of the described data (*e.g.,* date and spatial range of data collection activities, data processing steps, collected/measured variables and units of measure for those variables) and administrative information (*e.g.,* who collected or created data and metadata, how to cite data when used in scientific analyses). Information collected by the listed tools is used to inform the appropriate use of data described by related geospatial metadata.

Two applications in the existing approved collection have had minor changes to their forms. The Send2NCEI application added a license selector. InPort has changed one of the fields from a text field to a drop-down list selector. These changes do not impact the response burden.

Affected Public: Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

Frequency: As needed for geospatial data documentation purposes.

Respondent's Obligation: Voluntary.

Legal Authority: Executive Order 12906 and the 2013 Office of Science and Technology Policy Memorandum 'Public Access to Research Results'.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0024.

Sheleen Dumas,

Departmental PRA Compliance Officer, Office of the Under Secretary for Economic Affairs, Commerce Department.

[FR Doc. 2025–02157 Filed 2–3–25; 8:45 am]

BILLING CODE 3510–HR–P

COMMODITY FUTURES TRADING COMMISSION

Agency Information Collection Activities: Notice of Intent To Extend Collection 3038–0094: Clearing Member Risk Management

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice.

SUMMARY: The Commodity Futures Trading Commission (''Commission'' or ''CFTC'') is announcing an opportunity for public comment on the proposed renewal of a collection of certain information by the agency. Under the Paperwork Reduction Act (''PRA''), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment. This notice solicits comments on the obligation to maintain records related to clearing documentation between a customer and the customer's clearing member, as required under Commission regulations.

DATES: Comments must be submitted on or before April 7, 2025.

ADDRESSES: You may submit comments, identified by ''OMB Control No. 3038–0094,'' by any of the following methods:

- The Agency's website, at *https://comments.cftc.gov/.* Follow the instructions for submitting comments through the website.
- *Mail:* Christopher Kirkpatrick, Secretary of the Commission, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581.
- *Hand Delivery/Courier:* Same as Mail above.

Please submit your comments using only one method.

FOR FURTHER INFORMATION CONTACT: Catherine Brescia, Attorney Advisor, Market Participants Division, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street NW, Washington, DC 20581; (202) 418–6236; email: *cbrescia@cftc.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA, 44 U.S.C. 3501 *et seq.,* Federal agencies must obtain approval from the Office of Management and Budget (''OMB'') for each collection of information they conduct or sponsor. ''Collection of Information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3 and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA, 44 U.S.C. 3506(c)(2)(A), requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, the Commission is publishing notice of the proposed extension of the existing collection of information listed below. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.[1]

Title: Clearing Member Risk Management (OMB Control No. 3038–0094). This is a request for an extension of a currently approved information collection.

Abstract: Section 3(b) of the Commodity Exchange Act (''Act'' or ''CEA'') provides that one of the purposes of the Act is to ensure the financial integrity of all transactions subject to the Act and to avoid systemic risks. Section 8a(5) of the CEA authorizes the Commission to promulgate such regulations that it believes are reasonably necessary to effectuate any of the provisions or to accomplish any of the purposes of the CEA. Risk management systems are critical to the avoidance of systemic risks.

Section 4d requires Futures Commission Merchants (''FCMs'') to register with the Commission. It further requires FCMs to segregate customer funds. Section 4f requires FCMs to maintain certain levels of capital. Section 4g establishes reporting and recordkeeping requirements for FCMs. Section 4s(j)(2) of the CEA requires each Swap Dealer (''SD'') and Major Swap Participant (''MSP'') to have risk management systems adequate for managing its day-to-day business. Section 4s(j)(4) requires each SD and MSP to have internal systems and procedures to obtain any necessary information to perform any of the functions set forth in Section 4s.

Pursuant to these provisions, the Commission adopted Commission regulation 1.73 which applies to clearing members that are FCMs and Commission regulation 23.609 which applies to clearing members that are SDs

[1] The OMB control numbers for the CFTC regulations were published on December 30, 1981. *See* 46 FR 63035 (Dec. 30, 1981).

or MSPs.[2] These provisions require these clearing members to have procedures to limit the financial risks they incur as a result of clearing trades and liquid resources to meet obligations.

The regulations require clearing members, who are FCMs, SDs, or MSPs to: (1) establish risk-based limits based on position size, order size, margin requirements, or similar factors, and for FCMs, risk-based limits must be established for the proprietary account and in each customer account; (2) screen orders for compliance with the risk-based limits; (3) monitor for adherence to the risk-based limits intra-day and overnight; (4) conduct stress tests under extreme but plausible conditions of all positions at least once per week, and for FCMs, the stress tests must be conducted for all positions in the proprietary account and in each customer account that could pose material risk to the FCM; (5) evaluate its ability to meet initial margin requirements at least once per week; (6) evaluate its ability to meet variation margin requirements in cash at least once per week; (7) evaluate its ability to liquidate the positions it clears, in an orderly manner, and estimate the cost of the liquidation, and for FCMs, the evaluation must be done at least once per quarter and conducted for all positions in the proprietary and customer accounts; and (8) test all lines of credit at least once per year.

Each of these items has been observed by Commission staff as an element of an existing sound risk management program at an FCM, SD, or MSP. The Commission regulations require each FCM, SD, or MSP clearing member to establish written procedures to comply with these regulations and to keep records documenting its compliance.

The information collection obligations imposed by the regulations are necessary to implement certain provisions of the CEA, including ensuring that registrants exercise effective risk management and for the efficient operation of trading venues among FCMs, SDs, and MSPs that are clearing members, in order to maintain financial stability at derivatives clearing organizations (''DCOs'').

With respect to the collection of information, the CFTC invites comments on:

- Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- The accuracy of the Commission's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Ways to enhance the quality, usefulness, and clarity of the information to be collected; and
- Ways to minimize the burden of collection of information on those who are to respond, including through the use of appropriate automated electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses.

All comments must be submitted in English, or if not, accompanied by an English translation. Comments will be posted as received to *https://www.cftc.gov.* You should submit only information that you wish to make available publicly. If you wish for the Commission to consider information that you believe is exempt from disclosure under the Freedom of Information Act (''FOIA''), a petition for confidential treatment of the exempt information may be submitted according to the procedures established in § 145.9 of the Commission Regulations.[3]

The Commission reserves the right, but shall have no obligation, to review, pre-screen, filter, redact, refuse or remove any or all of your submission from *https://www.cftc.gov* that it may deem to be inappropriate for publication, such as obscene language. All submissions that have been redacted or removed that contain comments on the merits of the Information Collection Request will be retained in the public comment file and will be considered as required under the Administrative Procedure Act and other applicable laws, and may be accessible under FOIA.

Burden Statement: The Commission is revising its estimate of the burden for this collection of information for clearing members of DCOs who are FCMs, SDs, and MSPs. The respondent burden for this collection is estimated to be as follows:

Estimated Number of Respondents: 168 (62 Clearing Member FCMs and 106 Clearing Member SDs).

Estimated Average Burden Hours per Respondent: 504 hours.

Estimated Total Annual Burden Hours: 84,672 hours.

Frequency of Collection: As needed.

There are no capital costs or operating and maintenance costs associated with this collection.

(Authority: 44 U.S.C. 3501 *et seq.*)

Dated: January 30, 2025.

Robert Sidman,

Deputy Secretary of the Commission.

[FR Doc. 2025–02201 Filed 2–3–25; 8:45 am]

BILLING CODE 6351–01–P

[2] 77 FR 21278 (Apr. 9, 2012).

[3] 17 CFR 145.9.

DEPARTMENT OF EDUCATION

Withdrawal of Notice Inviting Applications and Cancellation of the Competition for the Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to State Entities

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice; withdrawal.

SUMMARY: The Department of Education (Department) withdraws the notice inviting applications (NIA) for fiscal year (FY) 2025 for CSP Grants to State Entities.

DATES: The NIA published in the **Federal Register** on January 21, 2025 (90 FR 7104), is withdrawn and the competition cancelled as of February 4, 2025.

FOR FURTHER INFORMATION CONTACT: Sareeta Schmitt, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–5970. Telephone: (202) 205–0730. Email: *SE_Competition@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 21, 2025, the Department published NIAs for two programs in the CSP in the **Federal Register**, one of which is for the FY 2025 CSP Grants to State Entities (SE grants), Assistance Listing Number (ALN) 84.282A. The Department is withdrawing this NIA as part of a comprehensive review of recently published FY 2025 CSP NIAs. This reevaluation aims to ensure that all priorities and requirements for the FY 2025 CSP competitions align with the program priorities set by the Trump Administration, comply with Executive orders issued since January 20, 2025, and promote consistency across all CSP grant programs. The Department has also determined that aligning all CSP grant competitions will ensure greater impact on students and families. Additionally, alignment of CSP priorities will increase the economic impact of the Federal education funds awarded for the CSP.

The Department intends to announce a new NIA for SE grants, ALN 84.282A

in FY 2025. This NIA will unleash innovation, minimize excessive and unnecessary oversight, and lessen the reporting burden for both applicants and grant recipients. By adopting this streamlined approach, the Department is committed to maximizing the impact of its funding efforts while creating a more efficient application process.

The Department does not expect that withdrawing this NIA will significantly impact our ability to make grant awards for FY 2025 under this competition because the Administration anticipates issuing a new NIA in the near future.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice and the NIA 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.

Denise Carter,

Acting Secretary of Education.

[FR Doc. 2025–02139 Filed 2–3–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2025–SCC–0011]

Agency Information Collection Activities; Comment Request; 2026–2027 Free Application for Federal Student Aid (FAFSA®)

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, ED is proposing a revision of the existing information collection.

DATES: Interested persons are invited to submit comments on or before April 7, 2025.

ADDRESSES: To access and review all the documents related to the information collection listed in this notice, please use *http://www.regulations.gov* by searching the Docket ID number ED–2025–SCC–0011. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at *http://www.regulations.gov* by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the *regulations.gov* site is not available to the public for any reason, the Department will temporarily accept comments at *ICDocketMgr@ed.gov.* Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C210, Washington, DC 20202–1200.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection activities, please contact the FAFSA Product Team at *fsa_fafsa_team@ed.gov* or Beth Grebeldinger, (202) 570–8414.

SUPPLEMENTARY INFORMATION: The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: 2026–2027 Free Application for Federal Student Aid.

OMB Control Number: 1845–0001.

Type of Review: Revision of a currently approved ICR.

Respondents/Affected Public: Individuals or Households.

Total Estimated Number of Annual Responses: 31,791,647.

Total Estimated Number of Annual Burden Hours: 20,412,753.

Abstract: Section 483, of the Higher Education Act of 1965, as amended (HEA), mandates that the Secretary of Education ''. . . shall produce, distribute, and process free of charge common financial reporting forms as described in this subsection to be used for application and reapplication to determine the need and eligibility of a student for financial assistance. . .''.

The determination of need and eligibility are for the following Title IV, HEA, federal student financial assistance programs: the Federal Pell Grant Program; the Campus-Based programs (Federal Supplemental Educational Opportunity Grant (FSEOG) and Federal Work-Study (FWS)); the William D. Ford Federal Direct Loan (Direct Loan) Program; the Teacher Education Assistance for College and Higher Education (TEACH) Grant; the Children of Fallen Heroes Scholarship; and the Iraq and Afghanistan Service Grant.

Federal Student Aid (FSA), an office of the U.S. Department of Education, subsequently developed an application process to collect and process the data necessary to determine a student's eligibility to receive Title IV, HEA program assistance. The application process involves an applicant's submission of the Free Application for Federal Student Aid (FAFSA®). After submission and processing of the FAFSA form, an applicant receives a FAFSA Submission Summary, which is a summary of the processed data they submitted on the FAFSA form. The applicant reviews the FAFSA Submission Summary, and, if necessary, will make corrections or updates to their submitted FAFSA data. Institutions of higher education listed by the applicant on the FAFSA form also receive a summary of processed data submitted on the FAFSA form which is called the

Institutional Student Information Record (ISIR).

ED and FSA seek OMB approval of all application components as a single ''collection of information.'' The aggregate burden will be accounted for under OMB Control Number 1845–0001. The specific application components, descriptions, and submission methods for each are listed in Table 1.

TABLE 1—FEDERAL STUDENT AID APPLICATION COMPONENTS

Component	Description	Submission method
Initial Submission of FAFSA form		
fafsa.gov	Any applicant with a Federal Student Aid ID (FSA ID) can complete the electronic version of the FAFSA form.	Submitted by the applicant.
Printed FAFSA form	The printed version of the FAFSA PDF for applicants who are unable to access the internet or complete the form using *fafsa.gov*.	Mailed by the applicant.
Correcting and Reviewing Submitted FAFSA information		
fafsa.gov—Corrections	Any applicant with an FSA ID—regardless of how they originally applied—may make corrections to their own data. Note that no user will be able to make corrections to any federal tax information (FTI) that was obtained from the IRS.	Submitted by the applicant.
Electronic Other—Corrections.	With the applicant's permission, corrections can be made by an FAA (Financial Aid Administrator) using the Electronic Data Exchange (EDE).	The FAA may be using their mainframe computer or software to facilitate the EDE process.
Paper FAFSA Submission Summary.	The paper summary is mailed to paper applicants who did not provide an email address. Applicants can write corrections directly on the paper FAFSA Submission Summary and mail for processing. Note that users for whom federal tax information (FTI) was obtained from the IRS will not be able to make corrections to that data.	Mailed by the applicant.
FAFSA Partner Portal (FPP)—Corrections.	An institution can use FPP to correct the FAFSA form	Submitted by an FAA on behalf of an applicant.
Internal Department Corrections.	The Department will submit an applicant's record for system-generated corrections to the FAFSA Processing System. There is no burden to the applicants under this correction type as these are system-based corrections.	These corrections are system-generated.
FAFSA Submission Summary—electronic.	The electronic FAFSA Submission Summary is an online version of the FAFSA Submission Summary that is available on *fafsa.gov* to all applicants. Notification for the FAFSA Submission Summary is sent to students who applied electronically or by paper and provided a valid email address. These notifications are sent by email and include a secure hyperlink that takes the user to the *fafsa.gov* site.	Cannot be submitted for processing.

This information collection also documents an estimate of the annual public burden as it relates to the application process for federal student aid. The Applicant Burden Model (ABM) measures applicant burden through an assessment of the activities each applicant conducts in conjunction with other applicant characteristics and, in terms of burden, the average applicant's experience. Key determinants of the ABM include:

- The total number of applicants that will potentially apply for federal student aid;
- How the applicant chooses to complete and submit the FAFSA form (*e.g.,* by paper or electronically);
- How the applicant chooses to submit any corrections and/or updates (*e.g.,* the paper FAFSA Submission Summary or electronically);
- The type of FAFSA Submission Summary document the applicant receives (paper or electronic);
- The formula applied to determine the applicant's student aid index (SAI); and
- The average amount of time involved in preparing to complete the application.

The ABM is largely driven by the number of potential applicants for the application cycle. The total application projection for 2026–2027 is based on the projected total enrollment into post-secondary education for Fall 2026. The ABM is also based on the application options available to students and parents. ED accounts for each application component based on analytical tools, survey information and other ED data sources.

For 2026–2027, ED is reporting a net burden decrease of 2,004,707 hours.

Dated: January 30, 2025.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2025–02191 Filed 2–3–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Withdrawal of Notice Inviting Applications and Cancellation of the Competition for the Expanding Opportunity Through Quality Charter Schools Program (CSP)—Grants to Charter Management Organizations for the Replication and Expansion of High-Quality Charter Schools (CMO Grants)

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice; withdrawal.

SUMMARY: The Department of Education (Department) withdraws the notice inviting applications (NIA) for fiscal year (FY) 2025 for CSP CMO Grants.

DATES: The NIA published in the **Federal Register** on January 21, 2025 (90 FR 7119), is withdrawn and the competition cancelled as of February 4, 2025.

FOR FURTHER INFORMATION CONTACT: Stephanie S. Jones, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202–5970.

Telephone: (202) 453–7835. Email: *CMOCompetition@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 21, 2025, the Department published NIAs for two programs in the CSP in the **Federal Register**, one of which is for the FY 2025 CMO Grants, Assistance Listing Number (ALN) 84.282M. The Department is withdrawing this NIA as part of a comprehensive review of recently published FY 2025 CSP NIAs. This reevaluation aims to ensure that all priorities and requirements for the FY 2025 CSP competitions align with the program priorities set by the Trump Administration, comply with Executive orders issued since January 20, 2025, and promote consistency across all CSP grant programs. The Department has also determined that aligning all CSP grant competitions will ensure greater impact on students and families. Additionally, alignment of CSP priorities will increase the economic impact of the Federal education funds awarded for the CSP.

The Department intends to announce a new NIA for CMO Grants, ALN 84.282M in FY 2025. This NIA will unleash innovation, minimize excessive and unnecessary oversight, and lessen the reporting burden for both applicants and grant recipients. By adopting this streamlined approach, the Department is committed to maximizing the impact of its funding efforts while creating a more efficient application process.

The Department does not expect that withdrawing this NIA will significantly impact our ability to make grant awards for FY 2025 under this competition because the Administration anticipates issuing a new NIA in the near future.

Intergovernmental Review: This program is subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this notice and the NIA 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.

Denise Carter,

Acting Secretary of Education.

[FR Doc. 2025–02140 Filed 2–3–25; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the commission received the following accounting Request filings:

Docket Numbers: AC25–50–000.
Applicants: PacifiCorp.
Description: PacificCorp submits proposed accounting entries to record its conveyance of ownership of the Keno Dam and certain associated lands and infrastructure on 07/30/2024 from PacifiCorp to the U.S. Department of the Interior.
Filed Date: 1/27/25.
Accession Number: 20250127–5241.
Comment Date: 5 p.m. ET 2/18/25.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25–80–000.
Applicants: Evelyn Energy Storage LLC.
Description: Evelyn Energy Storage LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/28/25.
Accession Number: 20250128–5207.
Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: EG25–81–000.
Applicants: Northumberland Solar, LLC.
Description: Northumberland Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.
Filed Date: 1/29/25.
Accession Number: 20250129–5079.
Comment Date: 5 p.m. ET 2/19/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–2589–005.
Applicants: CPV Shore, LLC.
Description: Compliance filing: Informational Filing Regarding Planned Transfer to be effective N/A.
Filed Date: 1/29/25.
Accession Number: 20250129–5146.
Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–312–001.
Applicants: Niagara Mohawk Power Corporation, New York Independent System Operator, Inc.
Description: Tariff Amendment: New York Independent System Operator, Inc. submits tariff filing per 35.17(b): NMPC Deficiency Response: Sterling Power Amended and Restated LGIA to be effective 11/1/2024.
Filed Date: 1/29/25.
Accession Number: 20250129–5175.
Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–952–001.
Applicants: PJM Interconnection, L.L.C.
Description: Tariff Amendment: Amendment of GIA, SA No. 7465; AG1–054 in Docket ER25–952–000 to be effective 12/17/2024.
Filed Date: 1/28/25.
Accession Number: 20250128–5230.
Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1078–000.
Applicants: Duke Energy Indiana, LLC.
Description: 205(d) Rate Filing: Amended Rate Schedule No. 270 to be effective 4/1/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5226.
Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1079–000.
Applicants: Boulder Solar II, LLC.
Description: 205(d) Rate Filing: MBR Tariff Update to be effective 1/29/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5236.
Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1080–000.
Applicants: Harry Allen Solar Energy LLC.
Description: 205(d) Rate Filing: MBR Tariff Update to be effective 1/30/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5000.
Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1081–000.
Applicants: Pacific Gas and Electric Company.
Description: Tariff Amendment: WDT SA 84: Termination of Clean Energy Systems, Inc. to be effective 3/31/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5001.
Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1082–000.
Applicants: International Transmission Company, Post Rock Wind Power Project, LLC.

Description: 205(d) Rate Filing: Post Rock Wind Power Project, LLC submits tariff filing per 35.13(a)(2)(iii: 2025–01–29_SA 4438 ITCTransmission-DTE Electric E&P (J1944) to be effective 1/27/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5023.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1084–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 3346R1 East River Electric/Northern States Power/MISO IntAgr to be effective 4/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5049.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1085–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 1894R14 Evergy Kansas Central, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5054.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1086–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 1978R14 Evergy Kansas Central, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5062.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1087–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: 205(d) Rate Filing: 2025–01–29_SA 3034 NSP-East River 1st Rev TIA to be effective 4/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5082.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1088–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 3675R6 Doniphan Electric Cooperative Assn, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5089.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1089–000.

Applicants: PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Original NSA, SA Nos. 7516 & 7517; Queue No. H21_W68/K11 to be effective 6/14/2024.

Filed Date: 1/29/25.

Accession Number: 20250129–5096.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1090–000.

Applicants: Southwest Power Pool, Inc.

Description: 205(d) Rate Filing: 2066R14 Evergy Kansas Central, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5100.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1091–000.

Applicants: Union Electric Company.

Description: 205(d) Rate Filing: 2025–01–29_SA 2022 Ameren-Kirkwood 3rd Rev WDS to be effective 5/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5106.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1092–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: 205(d) Rate Filing: Initial Filing of Confirmation Agreement and Request for Expedited Action to be effective 3/31/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5114.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1093–000.

Applicants: Osagrove Flats Wind, LLC.

Description: Initial Rate Filing: Application for Market-Based Rate Authorization, Request for Related Waivers to be effective 4/1/2025.

Filed Date: 1/29/25.

Accession Number: 20250129–5126.

Comment Date: 5 p.m. ET 2/19/25.

Docket Numbers: ER25–1094–000.

Applicants: CPV Shore, LLC.

Description: CPV Shore, LLC requests prospective waiver of filing requirement under Schedule 2 to the PJM Interconnection, L.L.C. OATT re CPV Shores submittal of informational filing 90 days prior to planned transfer of indirect ownership interests.

Filed Date: 1/29/25.

Accession Number: 20250129–5170.

Comment Date: 5 p.m. ET 2/19/25.

The filings are accessible in the Commission's e-Library system by clicking on the links or querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 29, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02192 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25–27–000.

Applicants: Southern California Gas Company.

Description: § 284.123(g) Rate Filing: Offshore Delivery Service Rate Revision Jan 2025 to be effective 1/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5000.

Comment Date: 5 p.m. ET 2/18/25.

§ 284.123(g) Protest: 5 p.m. ET 3/31/25.

Docket Numbers: RP25–371–000.

Applicants: Northern Natural Gas Company.

Description: Compliance filing: 20250127 NAESB Version 4.0 to be effective 8/1/2025.

Filed Date: 1/27/25.

Accession Number: 20250127–5132.

Comment Date: 5 p.m. ET 2/10/25.

Docket Numbers: RP25–372–000.

Applicants: Big Sandy Pipeline, LLC.

Description: Compliance filing: Big Sandy Fuel Filing Effective 3–1–2025 to be effective N/A.

Filed Date: 1/27/25.

Accession Number: 20250127–5141.

Comment Date: 5 p.m. ET 2/10/25.

Docket Numbers: RP25–373–000.

Applicants: Caledonia Energy Partners, L.L.C.

Description: Compliance filing: NAESB Compliance Filing 2025 to be effective 8/1/2025.
Filed Date: 1/27/25.
Accession Number: 20250127–5156.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–374–000.
Applicants: Freebird Gas Storage, L.L.C.
Description: Compliance filing: NAESB Compliance Filing 2025 to be effective 8/1/2025.
Filed Date: 1/27/25.
Accession Number: 20250127–5159.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–375–000.
Applicants: Mississippi Hub, LLC.
Description: Compliance filing: NAESB Compliance Filing 2025 to be effective 8/1/2025.
Filed Date: 1/27/25.
Accession Number: 20250127–5160.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–376–000.
Applicants: Transcontinental Gas Pipe Line Company, LLC.
Description: § 4(d) Rate Filing: List of Non-Conforming Service Agreements (SRE In-Svc) to be effective 2/27/2025.
Filed Date: 1/27/25.
Accession Number: 20250127–5167.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–377–000.
Applicants: Sabine Pipe Line LLC.
Description: Compliance filing: NAESB Compliance Filing 2025 to be effective 8/1/2025.
Filed Date: 1/27/25.
Accession Number: 20250127–5178.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–378–000.
Applicants: Gulfstream Natural Gas System, L.L.C.
Description: Compliance filing: Gulfstream Order 587–AA (Docket RM96–1–043) Compliance Filing to be effective 8/1/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5050.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–379–000.
Applicants: Honeoye Storage Corporation.
Description: Compliance filing: NAESB 4.0 Filing to be effective 8/1/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5066.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–380–000.
Applicants: WBI Energy Transmission, Inc.
Description: § 4(d) Rate Filing: 2025 Subsystem & Pooling Revisions to be effective 3/1/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5082.
Comment Date: 5 p.m. ET 2/10/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02160 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: PR25–28–000.
Applicants: Columbia Gas of Virginia Inc.
Description: 284.123 Rate Filing: Revisions to SOC per VA SCC 11–2024 Order to be effective 12/31/2024.
Filed Date: 1/28/25.
Accession Number: 20250128–5045.
Comment Date: 5 p.m. ET 2/18/25.
Docket Numbers: RP25–381–000.
Applicants: DBM Pipeline, LLC.
Description: Compliance filing: NAESB Compliance Filing 2025 to be effective 8/1/2025.
Filed Date: 1/28/25.
Accession Number: 20250128–5132.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–382–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 4(d) Rate Filing: 1.29.25 Negotiated Rates—Macquarie Energy LLC R–4090–33 to be effective 2/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5068.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–383–000.
Applicants: Iroquois Gas Transmission System, L.P.
Description: 4(d) Rate Filing: 1.29.25 Negotiated Rates—Mercuria Energy America, LLC R–7540–02 to be effective 2/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5070.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–384–000.
Applicants: MountainWest Pipeline, LLC.
Description: Compliance filing: Order No. 587–AA Compliance Filing to be effective 8/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5072.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–385–000.
Applicants: MountainWest Overthrust Pipeline, LLC.
Description: Compliance filing: Order No. 587–AA Compliance Filing to be effective 8/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5073.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–386–000.
Applicants: White River Hub, LLC.
Description: Compliance filing: Order No. 587–AA Compliance Filing to be effective 8/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5075.
Comment Date: 5 p.m. ET 2/10/25.
Docket Numbers: RP25–387–000.
Applicants: Sierrita Gas Pipeline LLC.
Description: 4(d) Rate Filing: 2025 Jan Quarterly FL&U FIling to be effective 3/1/2025.
Filed Date: 1/29/25.
Accession Number: 20250129–5097.
Comment Date: 5 p.m. ET 2/10/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the

specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: PR25–15–003.
Applicants: Pelico Pipeline, LLC.
Description: Amendment Filing: Amendment to 12182025 to be effective 11/1/2024.
Filed Date: 1/28/25.
Accession Number: 20250128–5114.
Comment Date: 5 p.m. ET 2/18/25.
284.123(g) Protest: 5 p.m. ET 2/18/25.

Docket Numbers: PR25–15–002.
Applicants: Pelico Pipeline, LLC.
Description: Amendment Filing: Amendment to 12182024 to be effective 11/1/2024.
Filed Date: 1/27/25.
Accession Number: 20250127–5186.
Comment Date: 5 p.m. ET 2/18/25.
284.123(g) Protest: 5 p.m. ET 2/18/25.

Docket Numbers: RP11–1711–000.
Applicants: Texas Gas Transmission, LLC.
Description: Refund Report: 2024 Cash Out Filing to be effective N/A.
Filed Date: 1/29/25.
Accession Number: 20250129–5076.
Comment Date: 5 p.m. ET 2/10/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 29, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02193 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RM98–1–000]

Public Notice; Records Governing Off-the-Record Communications

This constitutes notice, in accordance with 18 CFR 385.2201(b), of the receipt of prohibited and exempt off-the-record communications.

Order No. 607 (64 FR 51222, September 22, 1999) requires Commission decisional employees, who make or receive a prohibited or exempt off-the-record communication relevant to the merits of a contested proceeding, to deliver to the Secretary of the Commission, a copy of the communication, if written, or a summary of the substance of any oral communication.

Prohibited communications are included in a public, non-decisional file associated with, but not a part of, the decisional record of the proceeding. Unless the Commission determines that the prohibited communication and any responses thereto should become a part of the decisional record, the prohibited off-the-record communication will not be considered by the Commission in reaching its decision. Parties to a proceeding may seek the opportunity to respond to any facts or contentions made in a prohibited off-the-record communication and may request that the Commission place the prohibited communication and responses thereto in the decisional record. The Commission will grant such a request only when it determines that fairness so requires. Any person identified below as having made a prohibited off-the-record communication shall serve the document on all parties listed on the official service list for the applicable proceeding in accordance with Rule 2010, 18 CFR 385.2010.

Exempt off-the-record communications are included in the decisional record of the proceeding, unless the communication was with a cooperating agency as described by 40 CFR 1501.6, made under 18 CFR 385.2201(e)(1)(v).

The following is a list of off-the-record communications recently received by the Secretary of the Commission. Each filing may be viewed on the Commission's website at *http://www.ferc.gov* using the eLibrary link. Enter the docket number, excluding the last three digits, in the docket number field to access the document. For assistance, please contact FERC Online Support at *FERCOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659.

Docket Nos.	File date	Presenter or requester
Prohibited:		
1. CP24–529–000	1–15–2025	FERC Staff.[1]
Exempt:		
None.		

[1] Memorandum of 1/8/2025 virtual meeting between FERC and Blake Amos, Timothy Cho, Tina Hardy, Debbie Kalisek, and Karen Manzano from Tennessee Gas Pipeline Company, L.L.C.

Dated: January 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02161 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3633–044]

KC Brighton LLC; Notice of Intent To Prepare an Environmental Assessment

On December 29, 2022, KC Brighton LLC (licensee) filed an application for the surrender of its license for the Brighton Hydroelectric Project No. 3633. The project is located on the Patuxent River in Howard and Montgomery counties, Maryland. The project does not occupy Federal lands.

The licensee proposes to surrender its license after consultation during the relicensing process revealed that the costs of relicensing and anticipated mitigation measures would render the project uneconomic. The licensee proposes to remove all generating equipment, including the equipment diverging from the main penstocks including the turbine, generator, gate valve, and elbow for each unit. The electrical conduit in the powerhouse, the motor controllers, and the generation cables up to the interconnection point would also be removed. Surrender activities would be confined to the powerhouse. No changes to the dam, which is owned by Washington Suburban Sanitary Commission (WSSC), are proposed. The primary use of WSSC's dam and reservoir is to provide a water source to surrounding counties. No changes to this water supply are proposed as part of surrender. The licensee is not proposing any ground disturbing activities or any changes to the environment in the project area.

Commission staff public noticed the application on December 20, 2023, and solicited comments, motions to intervene, and protests, with the comment period ending on January 19, 2024. In response to the Commission's notice, the Potomac Patuxent Chapter of Trout Unlimited filed comments. The WSSC, which owns the dam, filed a Motion to Intervene.

This notice identifies Commission staff's intention to prepare an environmental assessment (EA) for the project.[1] Commission staff plans to issue an EA by May 9, 2025. Revisions to the schedule may be made as appropriate. The EA will be issued for a 30-day comment period. All comments filed on the EA will be reviewed by staff and considered in the Commission's final decision on the proceeding.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others to access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Any questions regarding this notice may be directed to Kelly Fitzpatrick at 202–502–8435 or *kelly.fitzpatrick@ferc.gov.*

Dated: January 29, 2025.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2025–02171 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–P

[1] In accordance with the Council on Environmental Quality's regulations, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1736780205. 40 CFR 1501.5(c)(4) (2024).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following Complaints and Compliance filings in EL Dockets:

Docket Numbers: EL25–48–000; QF25–101–001; QF25–102–001.

Applicants: Clearway & EFS Distributed Solar LLC, Clearway & EFS Distributed Solar LLC, Clearway & EFS Distributed Solar LLC.

Description: Petition for Declaratory Order of Clearway & EFS Distributed Solar LLC.

Filed Date: 1/21/25.

Accession Number: 20250121–5275.

Comment Date: 5 p.m. ET 2/20/25.

Docket Numbers: EL25–52–000.

Applicants: Voltus, Inc. v. *Midcontinent Independent System Operator, Inc.*

Description: Complaint of Voltus, Inc. v. *Midcontinent Independent System Operator, Inc.*

Filed Date: 1/24/25.

Accession Number: 20250124–5163.

Comment Date: 5 p.m. ET 2/13/25.

Docket Numbers: EL88–1–011; ER88–31–010; ER88–32–010.

Applicants: Indiana Michigan Power Company, Indiana Michigan Power Company, Indiana & Michigan Electric Company.

Description: Report for 2024 on review of nuclear decommissioning costs and FERC wholesale requirement customer contributions of Indiana Michigan Power Company.

Filed Date: 1/24/25.

Accession Number: 20250124–5191.

Comment Date: 5 p.m. ET 2/13/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1905–020.

Applicants: AZ721 LLC.

Description: Notice of Change in Status of Amazon Energy LLC.

Filed Date: 1/27/25.

Accession Number: 20250127–5228.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER20–1505–009.

Applicants: Basin Electric Power Cooperative.

Description: Notice of Change in Status of Basin Electric Power Cooperative.

Filed Date: 1/27/25.

Accession Number: 20250127–5229.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER24–1897–001.

Applicants: Northampton Generating Company, L.P.

Description: Compliance filing: Northampton Change in Status to be effective 1/29/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5088.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER24–2869–001; ER24–2715–001; ER24–2806–001.

Applicants: Prosperity Wind, LLC, Timbermill Wind, LLC, Downeast Wind, LLC.

Description: Notice of Non-Material Change in Status of Downeast Wind, LLC et al.

Filed Date: 1/27/25.

Accession Number: 20250127–5227.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–72–002.

Applicants: American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

Description: Tariff Amendment: American Transmission Systems, Incorporated submits tariff filing per 35.17(b): ATSI submits Revised IA—SA No. 7218 to be effective 3/31/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5038.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1062–000.

Applicants: Pluto Energy Storage, LLC.

Description: § 205(d) Rate Filing: Application for Market-Based Rate Authorization to be effective 3/29/2025.

Filed Date: 1/27/25.

Accession Number: 20250127–5189.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1063–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Revisions Regarding RUC System-Wide Make Whole Payment Distribution Amounts to be effective 4/15/2025.

Filed Date: 1/27/25.

Accession Number: 20250127–5211.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1064–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1893R15 Evergy Kansas Central, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5043.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1065–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 1891R14 Evergy Kansas Central, Inc. NITSA NOA to be effective 1/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5046.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1066–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: 2900R26 KMEA NITSA NOA to be effective 1/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5057.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1067–000.

Applicants: American Electric Power Service Corporation.

Description: § 205(d) Rate Filing: AEPSC submits an update to Attachment 1 of the ILDSA—SA No. 1336 to be effective 1/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5059.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1068–000.

Applicants: VIOTAS Texas LLC.

Description: § 205(d) Rate Filing: Initial Application to be effective 1/31/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5062.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1069–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA NITSA—(Idaho Falls Power) Rev 7—SA No. 747 to be effective 2/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5070.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1070–000.

Applicants: PacifiCorp.

Description: § 205(d) Rate Filing: BPA NITSA—(SE Idaho Area) Rev 9 (SA No. 746) to be effective 2/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5095.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1071–000.

Applicants: RE Papago LLC.

Description: Compliance filing: Certificate of Concurrence to Shared Facilities and Co-Tenancy Agreements to be effective 12/3/2024.

Filed Date: 1/28/25.

Accession Number: 20250128–5102.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1072–000.

Applicants: Public Service Company of Colorado.

Description: § 205(d) Rate Filing: 2025–01–28 ACE Dev Co—819–0.0.0 to be effective 10/10/2024.

Filed Date: 1/28/25.

Accession Number: 20250128–5129.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1073–000.

Applicants: PJM Interconnection, L.L.C.

Description: Compliance filing: Order No. 904 Compliance to be effective 4/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5134.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1074–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 989—Firm PTP Trans. Service with Energy Keepers Inc. to be effective 4/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5168.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1075–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 990—Firm PTP Trans. Service with Powerex to be effective 4/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5172.

Comment Date: 5 p.m. ET 2/18/25.

Docket Numbers: ER25–1076–000.

Applicants: NorthWestern Corporation.

Description: § 205(d) Rate Filing: SA 997—Firm PTP Trans. Service with Powerex to be effective 4/1/2025.

Filed Date: 1/28/25.

Accession Number: 20250128–5176.

Comment Date: 5 p.m. ET 2/18/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: January 28, 2025.

Carlos D. Clay,

Deputy Secretary.

[FR Doc. 2025–02159 Filed 2–3–25; 8:45 am]

BILLING CODE 6717–01–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 6, 2025.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Executive Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *Independent Bank Corp., Rockland, Massachusetts;* to acquire Enterprise Bancorp, Inc., and thereby indirectly acquire Enterprise Bank and Trust Company, both of Lowell, Massachusetts.

B. Federal Reserve Bank of Dallas (Karen Smith, Assistant Vice President, Mergers & Acquisitions and Enforcement) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to *Comments.applications@dal.frb.org:*

1. *Community Bank Holdings of Texas, Inc., Corsicana, Texas;* to acquire CapTex Bancshares, Inc., and thereby indirectly acquire CapTex Bank, both of Fort Worth, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2025–02203 Filed 2–3–25; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[CMS–7077–N2]

Announcement of the Advisory Panel on Outreach and Education (APOE) Virtual Meeting; Cancellation of the February 6, 2025, Virtual Meeting

AGENCY: Centers for Medicare & Medicaid Services (CMS), Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: This notice announces the cancellation of the February 6, 2025, virtual public meeting of the Advisory Panel on Outreach and Education (APOE) (the Panel) that was announced in the January 10, 2025, **Federal Register** (90 FR 2003 through 2005). CMS will publish a notice in the **Federal Register** announcing the date on which the next meeting of the APOE will take place no less than 15 calendar days before the meeting date. The meeting will be open to the public in accordance with the Federal Advisory Committee Act (FACA) (Pub. L. 92–463), as amended (5 U.S.C. Appendix 2).

FOR FURTHER INFORMATION CONTACT: Hailey Gutzmer, Acting Designated Federal Official, Office of Communications, Centers for Medicare & Medicaid Services, 200 Independence Avenue SW, Mailstop 315D.02, Washington, DC 20201, 410–786–1307, or via email at *APOE@cms.hhs.gov.*

Additional information about the APOE is available at: *https://www.cms.gov/Regulations-and-Guidance/Guidance/FACA/APOE.* Press inquiries are handled through the CMS Press Office at (202) 690–6145.

The Acting Administrator of CMS, Jeff Wu, having reviewed and approved this document, authorizes Chyana Woodyard, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

Chyana Woodyard,

Federal Register Liaison, Centers for Medicare & Medicaid Services.

[FR Doc. 2025–02215 Filed 2–3–25; 8:45 am]

BILLING CODE 4120–01–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1390]

Certain Capacitive Discharge Ignition Systems, Components Thereof, and Products Containing the Same; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on January 28, 2025, the presiding administrative law judge (''ALJ'') issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT: Namo Kim, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3459. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues

raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain capacitive discharge ignition systems, components thereof, and products containing the same imported, sold for importation, and/or sold after importation by respondents MOTORTECH GmbH and MOTORTECH Americas, LLC; and cease and desist orders directed to MOTORTECH Americas, LLC. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on January 28, 2025. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on February 27, 2025.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above pursuant to 19 CFR 210.4(f). Submissions should refer to the investigation number (''Inv. No. 337–TA–1390'') in a prominent place on the cover page and/or the first page. (*See* Handbook for Electronic Filing Procedures, *https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf*). Persons with questions regarding filing should contact the Secretary (202–205–2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) & 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in Part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 30, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–02206 Filed 2–3–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1368]

Certain Vaporizer Devices, Cartridges Used Therewith, and Components Thereof; Notice of Final Determination Finding a Violation of Section 337; Issuance of a Limited Exclusion Order and Cease and Desist Orders; Termination of Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined that respondents (1) NJOY, LLC of Phoenix, Arizona; (2) NJOY Holdings, Inc. of Scottsdale, Arizona; (3) Altria Group, Inc. of Richmond, Virginia; (4) Altria Group Distribution Company of Richmond, Virginia; and (5) Altria Client Services LLC of Richmond, Virginia (collectively, ''NJOY'') have violated section 337, by importing, selling for importation, or selling within the United States after importation certain vaporizer devices, cartridges used therewith, and components thereof that infringe claims 1 and 15 of U.S. Patent No. 11,134,722 (''the '722 patent''), claims 1 and 8 of U.S. Patent No. 11,606,981 (''the '981 patent''), claims 27 and 32 of U.S. Patent No. 10,130,123 (''the '123 patent''), and claims 1 and 4 of U.S. Patent No. 10,709,173 (''the '173 patent''). The Commission has determined that the appropriate remedies are a limited exclusion order (''LEO'') against NJOY's infringing products and cease and desist orders (''CDOs'') against each of the NJOY respondents. The Commission has also determined to impose no bond (zero percent bond) for importations of the excluded articles imported during the period of Presidential review. This investigation is hereby terminated.

FOR FURTHER INFORMATION CONTACT: Richard P. Hadorn, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3179. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help

accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal, telephone (202) 205–1810.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 7, 2023, based on a complaint filed by JUUL Labs, Inc. of Washington, DC and VMR Products LLC of San Francisco, California (together, ''JLI''). 88 FR 52207 (Aug. 7, 2023). The complaint, as supplemented, alleges violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337'') based on the importation into the United States, the sale for importation, and/or the sale within the United States after importation of certain vaporizer devices, cartridges used therewith, and components thereof by reason of infringement of certain claims of U.S. Patent Nos. RE49,114 (''the '114 patent''), the '722 patent, the '981 patent, the '123 patent, and the '173 patent. *Id.* The complaint further alleges that a domestic industry (''DI'') exists. *Id.* The notice of investigation names the five NJOY respondents. *Id.* The Office of Unfair Import Investigations (''OUII'') is also named as a party. *Id.* The Commission also directed the presiding administrative law judge (''ALJ'') to take evidence on and provide factual findings and a recommended determination concerning the public interest. *Id.*

On April 3, 2024, the Commission terminated the investigation as to the following asserted claims based on partial withdrawal of the complaint: (i) claims 1, 5–7, 29, 30, 36, 80, 89, and 93 of the '114 patent; (ii) claims 16, 18, 29, and 31 of the '123 patent; (iii) claims 3, 8, 14, and 17 of the '722 patent; and (iv) claims 6, 9–11, 17, and 18 of the '981 patent. Order No. 18 (Mar. 6, 2024), *unreviewed by* Comm'n Notice (Apr. 3, 2024).

On April 26, 2024, the Commission terminated the investigation as to the following asserted claims based on partial withdrawal of the complaint: (i) claims 43, 44, 76, 77, 81, and 86 (all remaining claims) of the '114 patent, thus terminating the '114 patent in its entirety; (ii) claim 14 of the '123 patent; (iii) claims 2, 3, 6, 7, 15, 16, 18–25, 28, and 30 of the '173 patent; (iv) claims 5, 7, 9–13, 16, and 18–21 of the '722 patent; and (v) claims 2, 5, and 13–16 of the '981 patent. Order No. 21 (Apr. 2, 2024), *unreviewed by* Comm'n Notice (Apr. 26, 2024).

On June 18, 2024, the Commission affirmed an initial determination granting summary determination that JLI has satisfied the economic prong of the DI requirement as to the remaining asserted patents, *i.e.,* the '722, '981, '123, and '173, patents. Order No. 22 (Apr. 3, 2024), *aff'd by* Comm'n Notice (June 20, 2024).

On August 23, 2024, the ALJ issued a final initial determination (''ID''), which finds a violation of section 337 as to claims 1 and 15 of the '722 patent, claims 1 and 8 of the '981 patent, claims 27 and 32 of the '123 patent, and claims 1 and 4 of the '173 patent. Specifically, the ID finds that: (i) JLI showed that each of these claims have been infringed; (ii) NJOY failed to show that any of these claims is invalid; and (iii) JLI has satisfied the technical prong of the DI requirement as to each of the remaining asserted patents. The ID also includes the ALJ's recommended determination (''RD'') on remedy, the public interest, and bonding. The RD recommends that, should the Commission determine that a violation of section 337 has occurred, the Commission should: (i) issue a LEO against NJOY's infringing products; (ii) issue CDOs against each of the NJOY respondents; and (iii) impose no bond (zero percent bond) for importations of infringing products during the period of Presidential review. The ALJ also found that the statutory public interest factors do not support denying or delaying the recommended relief set forth in the RD.

On September 23, 2024, NJOY filed a motion for leave to file a reply in support of its petition for review addressing certain positions taken by OUII in its response to NJOY's petition. On September 25 and 27, 2024, respectively, OUII and JLI each filed a response opposing NJOY's motion for leave.

On October 24, 2024, the Commission determined to review in part the final ID. 89 FR 89041–44 (Nov. 12, 2024). Specifically, the Commission determined to review (i) the ID's construction of the ''pressure sensor'' limitations (limitations 27[d] and 27[e]) recited in claim 27 of the '123 patent, and (ii) the ID's findings that the NJOY ACE accused product, the asserted RevB and JAGWAR iterations of the JUUL DI system, and the asserted JUUL2 DI system literally practice limitations 27[d] and 27[e] of claim 27 of the '123 patent under the ID's construction of those limitations. *Id.* at 89042.

The Commission also determined to review certain of the ID's findings regarding claim construction and satisfaction of the technical prong of the DI requirement with respect to the '173 patent. *Id.* In particular, the Commission determined to review (i) the ID's construction of the terms ''mouthpiece'' and ''disposed within'' recited in asserted claim 1 of the '173 patent, and (ii) the ID's finding that the JUUL2 DI system practices claims 1 and 4 of the '173 patent. *Id.*

The Commission further determined to reconsider its previous finding that JLI has satisfied the economic prong of the DI requirement with respect to the '123 and '173 patents based on investments related to both the JUUL DI system and the JUUL2 DI system. *Id.*

The Commission determined not to review the remaining findings in the ID, including the ID's findings of a violation of section 337 as to the '722 and '981 patents. *Id.* The Commission also determined to deny NJOY's motion for leave to file a reply in support of its petition for review. *Id.*

The Commission's notice requested written submissions (i) from the parties on certain issues under review and (ii) from the parties, interested government agencies, and any other interested persons on the issues of remedy, the public interest, and bonding. *Id.* at 89042–43.

On November 7, 2024, JLI, NJOY, and OUII each filed initial briefs with written submissions on the issues under review as well as on remedy, the public interest, and bonding. On November 14, 2024, JLI, NJOY, and OUII each filed reply briefs. Also, between November 5–19, 2024, the Commission received five submissions on the public interest from members of the public.

The Commission, having reviewed the record in this investigation, including the final ID, the parties' petitions and responses thereto, the parties' briefs on the issues under review, remedy, the public interest, and bonding, and the public submissions on remedy, the public interest, and bonding, has determined that NJOY has violated section 337 by importing, selling for importation, or selling within the United States after importation certain vaporizer devices, cartridges used therewith, and components thereof that infringe claims 1 and 15 of the '722 patent, claims 1 and 8 of the '981 patent, claims 27 and 32 of the '123 patent, and claims 1 and 4 of the '173 patent.

Specifically, as to the '123 patent, the Commission: (i) modifies the ID's construction of the ''pressure sensor'' limitations (limitations 27[d] and 27[e]) recited in claim 27 of the '123 patent; (ii) affirms with modified analysis the ID's findings that the NJOY ACE accused product literally practices the

''pressure sensor'' limitations of claim 27 of the '123 patent and thus literally practices claims 27 and 32 of the '123 patent; (iii) finds that the asserted JUUL2 DI system practices claims 27 and 32 of the '123 patent under the doctrine of equivalents (''DOE'') and, therefore, affirms with modified reasoning the ID's finding that JLI has satisfied the technical prong of the DI requirement as to the '123 patent based on this product; (iv) takes no position on whether JLI has satisfied the technical prong of the DI requirement as to the '123 patent based on the RevB and JAGWAR iterations of the JUUL DI system; and (v) modifies Order No. 22 to vacate and take no position on whether JLI has satisfied the economic prong of the DI requirement as to the '123 patent based on the JUUL DI system. Accordingly, the Commission affirms with modified reasoning the ID's finding that JLI has shown a violation of section 337 by NJOY as to claims 27 and 32 of the '123 patent.

As to the '173 patent, the Commission: (i) affirms with modified analysis the ID's construction of the term ''mouthpiece'' recited in claim 1 of the '173 patent; (ii) takes no position on the ID's construction of the term ''disposed within'' recited in claim 1 of the '173 patent; (iii) takes no position on the ID's finding that the JUUL2 DI system practices claims 1 and 4 of the '173 patent; and (iv) modifies Order No. 22 to vacate and take no position on whether JLI has satisfied the economic prong of the DI requirement as to the '173 patent based on the JUUL2 DI system. Accordingly, the Commission affirms with modified analysis the ID's finding that JLI has shown a violation of section 337 by NJOY as to claims 1 and 4 of the '173 patent.

The Commission has determined that the appropriate remedy is: (i) an LEO prohibiting the importation of certain vaporizer devices, cartridges used therewith, and components thereof that infringe one or more of claims 1 and 15 of the '722 patent, claims 1 and 8 of the '981 patent, claims 27 and 32 of the '123 patent, and claims 1 and 4 of the '173 patent; and (ii) CDOs against each of the NJOY respondents. The Commission has also determined that the public interest factors do not preclude issuance of the remedial orders. The Commission has further determined to impose no bond (zero percent bond) for importations of the excluded articles imported during the period of Presidential review (19 U.S.C. 1337(j)).

The Commission issues its opinion herewith setting forth its determinations on certain issues. This investigation is hereby terminated.

The Commission's orders and opinion were delivered to the President and United States Trade Representative on the day of their issuance.

The Commission vote for this determination took place on January 29, 2025.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: January 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–02169 Filed 2–3–25; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1140–1142 (Third Review)]

Uncovered Innerspring Units From China, South Africa, and Vietnam; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty orders on uncovered innerspring units from China, South Africa, and Vietnam would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: December 9, 2024.

FOR FURTHER INFORMATION CONTACT: Rachel Devenney (202–205–3172), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 9, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 71414, September 3, 2024) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on February 26, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determinations the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on March 6, 2025, and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by March 6, 2025. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, the deadline for comments (which may not contain new factual information) on Commerce's final

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner David S. Johanson voted to conduct full reviews.

[3] The Commission has found the response submitted on behalf of Leggett & Platt, Incorporated to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined these reviews are extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: These reviews are being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: January 29, 2025.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2025–02170 Filed 2–3–25; 8:45 am]

BILLING CODE 7020–02–P

JUDICIAL CONFERENCE OF THE UNITED STATES

Adjustment of Certain Dollar Amounts Applicable to Bankruptcy Cases

AGENCY: Judicial Conference of the United States.

ACTION: Notice of adjusted dollar amounts.

SUMMARY: Certain dollar amounts in the United States Code applicable to bankruptcy cases are adjusted to reflect the change in the Consumer Price Index for All Urban Consumers for the most recent 3-year period ending immediately before January 1, 2025.

DATES: The dollar amounts are adjusted on April 1, 2025.

FOR FURTHER INFORMATION CONTACT: Gary D. Streeting, Senior Attorney, Judicial Services Office, Administrative Office of the United States Courts, Thurgood Marshall Federal Judiciary Building, One Columbus Circle NE, Room 4–270, Washington, DC 20544, Telephone (202) 502–1800, or by email at *Judicial_Services_Office@ao.uscourts.gov.*

SUPPLEMENTARY INFORMATION: Section 104 of title 11, United States Code, provides for an automatic three-year adjustment of dollar amounts in certain sections of titles 11 and 28. Notice is hereby given, pursuant to 11 U.S.C. 104(b), that the next such adjustment will occur on April 1, 2025. Effective on that date, the dollar amounts in effect under sections 101(3), 101(18), 101(19A), 101(51D), 109(e), 303(b), 507(a), 522(d), 522(f)(3), 522(f)(4), 522(n), 522(p), 522(q), 523(a)(2)(C), 541(b), 547(c)(9), 707(b), 1182(1), 1322(d), 1325(b), and 1326(b)(3) of title 11, and section 1409(b) of title 28, United States Code, are adjusted as set forth in the chart below to reflect the change in the Consumer Price Index for All Urban Consumers, published by the Department of Labor, for the 3-year period ending immediately before January 1, 2025, rounded to the nearest $25. This adjustment does not apply with respect to cases commenced before April 1, 2025. Seven Official Bankruptcy Forms (106C, 107, 122A–2, 122C–2, 201, 207, and 410) and two Director's Forms (2000 and 2830) will also be amended to reflect these adjusted dollar amounts.

(Authority: 11 U.S.C. 104.)

Dated: January 30, 2025.

Joseph T. Phillips,

Chief, Judicial Services Office.

Affected sections of Titles 11 and 28 U.S.C.	Dollar amount to be adjusted	New (adjusted) dollar amount [1]
11 U.S.C.:		
Section 101(3)	$226,850	$256,800.
Section 101(18)	$11,097,350 (each time it appears)	$12,562,250 (each time it appears).
Section 101(19A)	$2,268,550 (each time it appears)	$2,568,000 (each time it appears).
Section 101(51D)	$3,024,725 (each time it appears)	$3,424,000 (each time it appears).
Section 109(e)	$465,275 (each time it appears)	$526,700 (each time it appears).
	$1,395,875 (each time it appears)	$1,580,125 (each time it appears).
Section 303(b)	$18,600 (each time it appears)	$21,050 (each time it appears).
Section 507(a)		
paragraph (4)	$15,150	$17,150.
paragraph (5)(B)(i)	$15,150	$17,150.
paragraph (6)	$7,475	$8,450.
paragraph (7)	$3,350	$3,800.
Section 522(d)		
paragraph (1)	$27,900	$31,575.
paragraph (2)	$4,450	$5,025.
paragraph (3)	$700	$800.
	$14,875	$16,850.
paragraph (4)	$1,875	$2,125.
paragraph (5)	$1,475	$1,675.
	$13,950	$15,800.
paragraph (6)	$2,800	$3,175.
paragraph (8)	$14,875	$16,850.
paragraph (11)(D)	$27,900	$31,575.
Section 522(f)(3)	$7,575	$8,575.
Section 522(f)(4)	$800 (each time it appears)	$900 (each time it appears).
Section 522(n)	$1,512,350	$1,711,975.
Section 522(p)	$189,050	$214,000.
Section 522(q)	$189,050	$214,000.
Section 523(a)(2)(C)		
paragraph (i)(I)	$800	$900.
paragraph (i)(II)	$1,100	$1,250.
Section 541(b)	$7,575 (each time it appears)	$8,575 (each time it appears).

Affected sections of Titles 11 and 28 U.S.C.	Dollar amount to be adjusted	New (adjusted) dollar amount [1]
Section 547(c)(9)	$7,575	$8,575.
Section 707(b)		
paragraph (2)(A)(i)(I)	$9,075	$10,275.
paragraph (2)(A)(i)(II)	$15,150	$17,150.
paragraph (2)(A)(ii)(IV)	$2,275	$2,575.
paragraph (2)(B)(iv)(I)	$9,075	$10,275.
paragraph (2)(B)(iv)(II)	$15,150	$17,150.
paragraph (5)(B)	$1,525	$1,725.
paragraph (6)(C)	$825	$925.
paragraph (7)(A)(iii)	$825	$925.
Section 1182(1)	[2]	
Section 1322(d)	$825 (each time it appears)	$925 (each time it appears).
Section 1325(b)	$825 (each time it appears)	$925 (each time it appears).
Section 1326(b)(3)	$25	$25.
28 U.S.C.:		
Section 1409(b)	$1,525	$1,725.
	$22,700	$27,750.
	$25,700	$31,425

[1] The New (Adjusted) Dollar Amounts reflect a 13.2004 percent increase, rounded to the nearest $25.

[2] There is no dollar amount currently set forth in 11 U.S.C. 1182(1). Most recently, the Bankruptcy Threshold Adjustment and Technical Corrections Act (BTATCA) (Pub. L. 117–151, 136 Stat. 1298) added a dollar amount to that section, but the BTATCA provision that included the dollar amount sunset on June 21, 2024.

[FR Doc. 2025–02207 Filed 2–3–25; 8:45 am]

BILLING CODE 2210–55–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—ODVA, Inc.

Notice is hereby given that, on January 8, 2025, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), ODVA, Inc. (''ODVA'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Aerotech, Inc., Pittsburgh, PA; JVL A/S, Birkerød, KINGDOM OF DENMARK; Simco (Nederland) B.V., Lochem, Gelderland, NETHERLANDS; Fortinet, Inc., Sunnyvale, CA; Shenzhen Blue Dynamics Precision Co., Ltd., Shenzhen, PEOPLE'S REPUBLIC OF CHINA; NITTOKU CO., LTD., Saitama, JAPAN; and MicroVision, Inc., Redmond, WA, have been added as parties to this venture.

Also, Nanjing Decowell Automation Co., Ltd., Nanjing, PEOPLE'S REPUBLIC OF CHINA; Beijing Tianma Intelligent Control Technology Co., Ltd., Beijing, PEOPLE'S REPUBLIC OF CHINA; Hanwha Corporation, Seoul, REPUBLIC OF KOREA; and Perinet GmbH, Berlin, GERMANY, have withdrawn as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ODVA intends to file additional written notifications disclosing all changes in membership.

On June 21, 1995, ODVA filed its original notification pursuant to Section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to Section 6(b) of the Act on February 15, 1996 (61 FR 6039).

The last notification was filed with the Department on October 18, 2024. A notice was published in the **Federal Register** pursuant to Section 6(b) of the Act on January 24, 2025 (90 FR 8143).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–02190 Filed 2–3–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Customer Experience Hub

Notice is hereby given that, on January 3, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), The Customer Experience Hub (''CX Hub'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Specifically, Access Pediatric LLC, Gainesville, FL; Advanced Telesensors, Inc., Austin, TX; The Susan G. Komen Breast Cancer Foundation, Inc., Dallas, TX; The Wistar Institute of Anatomy and Biology, Philadelphia, PA; ViVBioTech LLC, Sacramento, CA; Biogenesis, Palo Alto, CA; CARIN Alliance, Washington, DC; CellChorus, Inc., Houston, TX; ELHS Institute, Inc., Palo Alto, CA; Global Coalition on Aging, New York, NY; Handzin, Inc., San Fransisco, CA; Health in her HUE, New York, NY; Landmark Bio PBLLC, Watertown, MA; LastMinute, Inc., Brookline, MA; Netrias LLC, Annapolis, MD; Patientory, Inc., Atlanta, GA; Performance Hypothesis LLC, Atlanta, GA; and SmarTechNexus Foundation, Baltimore, MD have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and the CX Hub intends to file additional written notifications disclosing all changes in membership.

On January 11, 2024, the CX Hub filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on April 16, 2024 (89 FR 26929).

The last notification was filed with the Department on October 1, 2024. A

notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 2, 2024 (89 FR 95237).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–02189 Filed 2–3–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—America's Datahub Consortium

Notice is hereby given that, on December 10, 2024, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), America's DataHub Consortium (''ADC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, Optimal Solutions Group LLC, College Park, MD; Radiance Technologies, Huntsville, AL; Revelo LLC, College Park, MD; and University of Southern California, Los Angeles, CA, have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and ADC intends to file additional written notifications disclosing all changes in membership.

On November 11, 2021, ADC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on December 22, 2021 (86 FR 72628).

The last notification was filed with the Department on October 1, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on January 27, 2025 (90 FR 8223).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–02185 Filed 2–3–25; 8:45 am]

BILLING CODE 4410–11–P

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Medical Technology Enterprise Consortium

Notice is hereby given that, on January 6, 2025, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Medical Technology Enterprise Consortium (''MTEC'') has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, AccelerMED LLC, Shoreview, MN; Aegir Enterprises LLC, Jamul, CA; ANT5 Co., Ltd., Ube, JAPAN; ARNAV Biotech, Atlanta, GA; Artery Studios, Inc., Toronto, CANADA; Astrapi Corp., Dallas, TX; Athena Consulting Group LLC, North Charleston, SC; Auxilium Health, Inc., Cleveland, OH; Berkeley Fit LLC, San Diego, CA; Circuit Design Specialties, Inc., Plano, TX; Clinical Research Strategies LLC, Wexford, PA; Curavit Clinical Research, Scarsdale, NY; DatavizVR, Inc. dba 3Data, Austin, TX; DesignPlex Biomedical LLC, Fort Worth, TX; ECS Federal LLC, Fairfax, VA; Evimero LLC, Tuscaloosa, AL; Exsurgo Technologies LLC, Ashburn, VA; Functional Longevity Labs, Inc., Easton, MD; Green Immune LLC, Columbus, GA; HereNow Help, Inc., Honeoye, NY; Hermtac LLC, Dallas, TX; ICON Government and Public Health Solutions, Inc., Blue Bell, PA; InflammaSense, Inc., Carlsbad, CA; Institute for Evolvable Medicines, Oakland, CA; Jaunt LLC, Mesa, AZ; Key Technologies, Inc., Baltimore, MD; Machina Medical, Inc., Roswell, GA; Microbion Corp., Bozeman, MT; NCS Technologies, Inc., Manassas, VA; Neolixir, Ltd., Nedlands, AUSTRALIA; NeuEsse, Inc., Dunbar, PA; Physical Sciences, Inc., Andover, MA; POP Biotechnologies, Inc., Buffalo, NY; Qumulo, Inc., Seattle, WA; SightLine Ventures, Dayton, OH; Songhi Innovations, Fountain, CO; Teleflex, Inc., Morrisville, NC; Texas Biomedical Research Institute, San Antonio, TX; The Neutrino Donut LLC, Culver City, CA; University of Tennessee, Knoxville, TN; University of Utah, Salt Lake City, UT; Varada Consulting LLC, Vienna, VA; and Zeteo Tech, Inc., Sykesville, MD have been added as parties to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and MTEC intends to file additional written notifications disclosing all changes in membership.

On May 9, 2014, MTEC filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 9, 2014(79 FR 32999).

The last notification was filed with the Department on October 7, 2024. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on December 20, 2024 (89 FR 104210).

Suzanne Morris,

Deputy Director Civil Enforcement Operations, Antitrust Division.

[FR Doc. 2025–02186 Filed 2–3–25; 8:45 am]

BILLING CODE P

DEPARTMENT OF JUSTICE

[OMB Number 1121–0NEW]

Agency Information Collection Activities: Proposed New Information Collection Activity; Comment Request, Proposed Study Entitled ''National Study of Interpersonal Violence Experienced by Young Adults''

AGENCY: National Institute of Justice, U.S. Department of Justice.

ACTION: 30-Day notice.

SUMMARY: The Department of Justice (DOJ), Office of Justice Programs, National Institute of Justice, is submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: The Department of Justice encourages public comment and will accept input until March 6, 2025

FOR FURTHER INFORMATION CONTACT: If you have additional comments, especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Erica Howell, Social Science Research Analyst, Office on Violence and Victimization Prevention, by email at *erica.howell@usdoj.gov* or telephone at (202) 598–9431.

SUPPLEMENTARY INFORMATION: The proposed information collection was previously published in the **Federal Register** on October 28, 2024, 89 FR 855557, allowing a 60-day comment period. Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

—Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the National Institute of Justice, including whether the information will have practical utility.

—Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used.

—Evaluate whether and, if so, how the quality, utility, and clarity of the information to be collected can be enhanced.

—Minimize the burden of collecting information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of responses.

Overview of This Information Collection

1. *Type of Information Collection:* New survey.

2. *The Title of the Form/Collection:* ''National Study of Interpersonal Violence Experienced by Young Adults.''

3. *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The applicable component within the U.S. Department of Justice is the National Institute of Justice.

4. *Affected public who will be asked or required to respond, as well as a brief abstract:* In the fiscal year (FY) 2023, the National Institute of Justice (NIJ) awarded Westat, a professional research services organization, along with their partners at New York University and the University of Cincinnati, to implement the ''National Study of Interpersonal Violence Experienced by Young Adults'' pilot (Jan. 1, 2024–December 31, 2025), which will inform the implementation of the full multi-year project expected to begin in FY2026.

The ''National Study of Interpersonal Violence Experienced by Young Adults,'' also known as the Long IVY study, is a critically needed, nationally representative, longitudinal panel survey of interpersonal violence among young adults (ages 18–24) who do and do not attend college. It will examine trajectories of risk and protective factors (at the individual, family, and community levels, including exposure to community violence) that predict victimization and perpetration of interpersonal violence and the recovery of those victimized. Interpersonal violence comprises (1) physical and psychological intimate partner violence, (2) nonconsensual sexual contact, and (3) stalking by current and former intimate partners and non-partners. The study design includes recruiting 17,000 young adults with a goal of retaining 10,000 in the final sample after five annual data collection waves (and interim micro assessments) across six years. The first survey will be administered in the fall of the school year after the participant's high school class graduates, and the final survey will be administered after they turn 23.

At a stage of the lifespan when we are most vulnerable to interpersonal violence, this study will address gaps in knowledge about the experiences of young adults not engaged in post-secondary education and the differences in experiences between groups. The innovative emphasis on identifying risk and protective factors over time will provide new evidence about how best to prevent interpersonal violence, for whom, which subpopulations are most in need of victimization services, and what factors accelerate healing and wellness for those who've been harmed.

The Study of Interpersonal Violence among Young Adults Pilot Project (the current study) will recruit a national probability sample of approximately 5,000 young adults with a goal of retaining 150–168 after a one-time data collection in response to the recruitment form. The form will be administered in the spring/summer of the recruitment year, 2025, and respondents must have either graduated high school or are no longer in high school. Respondents must be age 18 in order to be eligible for recruitment.

5. *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* The pilot study's estimated range of burden for respondents is expected to be between 8 and 14 minutes for completion. Based on instrument testing results, an average of 12 minutes per respondent is expected to be spent. The following factors were considered when creating the burden estimate: the estimated total number of respondents. NIJ estimates that approximately 168 respondents will fully complete the questionnaire, yielding a modified response rate of 55%.

6. *An estimate of the total public burden associated with the pilot data collection:* For the pilot study, the estimated public burden associated with this collection is 567 hours, which includes the time it takes each of the expected respondents to open all mailing materials and complete the questionnaire. It is estimated that each of the 168 respondents will take 12 minutes, on average, to complete the questionnaire. See the table below for calculations.

Activity	Number of respondents	Time per response (minutes)	Total burden (hours)	Hourly rate *	Monetized value of respondent time
Initial letter	5,000	2	166.67	$7.25	$1,208.36
Reminder Postcard	5,000	0.5	41.67	7.25	302.11
Second Reminder	4,899	2	163.3	7.25	1,183.93
Final reminder	4,849	2	161.63	7.25	1,171.82
Completed Survey	168	12	33.6	7.25	243.60
Total Burden			566.84		4,109.82

* The federal minimum wage as of December 2024 is $7.25 per the U.S. Department of Labor *https://www.dol.gov/agencies/whd/minimum-wage/state.*

If additional information is required, contact Darwin Arceo, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street NE, Washington, DC 20530.

Dated: January 30, 2025.

Darwin Arceo,

Department Clearance Officer for PRA, U.S. Department of Justice.

[FR Doc. 2025–02195 Filed 2–3–25; 8:45 am]

BILLING CODE 4410–18–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request OMB's approval to renew this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing an opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare a submission requesting OMB clearance for this collection for no longer than three years.

DATES: Interested persons are invited to send comments regarding the burden or any other aspect of this collection of information by April 7, 2025.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Ave., Rm. E6347, Alexandria, VA 22314; telephone: (703) 292–7556; email: *splimpto@nsf.gov.* Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

SUPPLEMENTARY INFORMATION:

Comments: Written comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; or (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Title of Collection: Grantee Reporting Requirements for the Research Experiences for Undergraduates (REU) Program.

OMB Approval Number: 3145–0224.

Expiration Date: June 30, 2025.

Overview of Information Collection: NSF's Research Experiences for Undergraduates (REU) program funds REU Site grants and REU Supplements to organizations to provide authentic research experiences and related training for postsecondary students in STEM fields.

All NSF Principal Investigators in all programs are required to submit annual and final project reports through the NSF Project Reports System in Research.gov. The REU Program Module is a component of the NSF Project Reports System that is designed to gather basic information about the pool of student applicants and participants in REU Site and REU Supplement projects. The information allows NSF to assess the demand and allocate resources for REU student positions within each discipline, to analyze the types of academic institutions and the educational levels represented by the participants, and to identify the participants for inclusion in periodic program evaluations.

NSF is committed to providing stakeholders with information regarding the expenditure of taxpayer funds on its investments in human capital, including activities such as REU Sites and REU Supplements. If NSF could not collect information about the students who participate in undergraduate research experiences, NSF would have no other means to consistently document the number and diversity of the participants or to identify the participants for inclusion in efforts that gauge the quality of programmatic activities and the long-term effects of the activities on the students. Without the REU Program Module, NSF also would not have information about the competitiveness of the REU opportunities, which informs the management of the program's budget.

Consultation With Other Agencies and the Public

This information collection is specific to a subset of NSF grantees. NSF has not consulted with other agencies but has gathered information from its grantee community through attendance at PI conferences. A request for public comments will be solicited through announcement of data collection in the **Federal Register**.

Background

All NSF Principal Investigators are required to use the project reporting functionality in *Research.gov* to report on progress, accomplishments, participants, and activities annually and at the conclusion of their project. Information from annual and final reports provides yearly updates on project inputs, activities, and outcomes for use by NSF program officers in monitoring projects and for agency reporting purposes.

If project participants include undergraduate students supported by a Research Experiences for Undergraduates (REU) Sites grant or by an REU Supplement, then the Principal Investigator is required to complete the REU Program Module in addition to the questions in NSF's standard report template.

Respondents: Individuals (Principal Investigators).

Number of Principal Investigator Respondents: 3,900 annually.

Burden on the Public: 650 total hours.

Dated: January 29, 2025.

Suzanne H. Plimpton,

Reports Clearance Officer, National Science Foundation.

[FR Doc. 2025–02137 Filed 2–3–25; 8:45 am]

BILLING CODE 7555–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–1162 and K2025–1162; MC2025–1163 and K2025–1163; MC2025–1164 and K2025–1164]

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 6, 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 (*https://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2025–1162 and K2025–1162; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 607 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 29, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* February 6, 2025.

2. *Docket No(s).:* MC2025–1163 and K2025–1163; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 608 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 29, 2025; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Samuel Robinson; *Comments Due:* February 6, 2025.

3. *Docket No(s).:* MC2025–1164 and K2025–1164; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 609 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* January 29, 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 6, 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. 2025–02196 Filed 2–3–25; 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. 34–102305]

Order Granting Registration of Security-Based Swap Execution Facilities

January 29, 2025.

I. Introduction

On or prior to August 12, 2024, eight entities filed with the Securities and Exchange Commission (''Commission'') applications on Form SBSEF to register as security-based swap execution facilities (''SBSEF(s)'') pursuant to section 3D(a)(1) of the Securites Exchange Act of 1934 (''Exchange Act'' or ''Act'') and 17 CFR 242.803 (''Rule 803'').[1] As discussed below, after reviewing each SBSEF Applicant's Form SBSEF registration application (including the representations included therein), this order grants each SBSEF Applicant registration as a SBSEF.

II. Background

A. Statutory and Rule Requirements

Section 3D of the Exchange Act was enacted as part of Title VII of the Dodd-Frank Wall Street Reform and Consumer Protection Act.[2] Section 3D(a)(1) of the Exchange Act provides that no person may operate a facility for the trading or processing of security-based swaps (''SBS'') unless the facility is registered as a SBSEF or as a national securities exchange.[3] Section 3D(d) enumerates 14 Core Principles with which SBSEFs must comply.[4] And section 3D(f) requires the Commission to prescribe rules governing the regulation of SBSEFs.

On November 2, 2023, the Commission adopted Regulation SE to govern the registration and regulation of SBSEFs as required by section 3D of the Exchange Act.[5] Regulation SE sets forth

[1] 15 U.S.C. 78c–4; 17 CFR 242.803. *See* Form SBSEF applications filed by Bloomberg SEF LLC (August 2, 2024); GFI Swaps Exchange LLC (initially filed as GFI Securities LLC) (Aug. 12, 2024); GLMX Technologies, LLC (Aug. 12, 2024); ICE Swap Trade, LLC (Aug. 12, 2024); tpSEF Inc. (Aug. 7, 2024); Tradition SEF, LLC (Aug. 12, 2024); TW SEF LLC (Aug. 12, 2024); WEMATCH.LIVE LLC (July 26, 2024) (collectively, ''SBSEF Applicant(s)''). The portions of the SBSEF Applicants' applications on Form SBSEF that are not subject to confidential treatment requests are available for public viewing on the Commission's website at *https://www.sec.gov/edgar/search/#/q=SBSEF&filter_forms=SBSEF.*

[2] Public Law 111–203, H.R. 4173, sec. 763(c).

[3] 15 U.S.C. 78c–4(a)(1).

[4] 15 U.S.C. 78c–4(d).

[5] Securities Exchange Act Release No. 98845 (Nov. 2, 2023), 88 FR 87156, 87237 (Dec. 15, 2023) (''Adopting Release''); 15 U.S.C. 78c–4. The Commission proposed Regulation SE on Apr. 6,

rules governing the registration and post-registration regulation of SBSEFs, rules that implement the 14 statutory Core Principles with which SBSEFs must comply, and rules that address issues relating to SBS execution generally. Specifically, the 14 core principles, and corresponding Regulation SE rule provisions, are:

Core principle title	Regulation SE rule No.
Compliance with Core Principles	818
Compliance with Rules	819
Security-Based Swaps Not Readily Susceptible to Manipulation	820
Monitoring of Trading and Trade Processing	821
Ability to Obtain Information	822
Financial Integrity of Transactions	823
Emergency Authority	824
Timely Publication of Trading Information	825
Recordkeeping and Reporting	826
Antitrust Considerations	827
Conflicts of Interest	828
Financial Resources	829
System Safeguards	830
Designation of Chief Compliance Officer	831

The Regulation SE rules other than those that implement the statutory Core Principles are:

Regulation SE rule title	Regulation SE rule No.
Scope	800
Applicable provisions	801
Definitions	802
Requirements and procedures for registration	803
Listing products for trading by certification	804
Voluntary submission of new products for Commission review and approval	805
Voluntary submission of rules for Commission review and approval	806
Self-certification of rules	807
Availability of public information	808
Staying of certification and tolling of review period pending jurisdictional determination	809
Product filings by security-based swap execution facilities that are not yet registered and by dormant security-based swap execution facilities	810
Information related to security-based swap execution facility compliance	811
Enforceability	812
Prohibited use of data collected for regulatory purposes	813
Entity operating both a national securities exchange and security-based swap execution facility	814
Methods of execution for required and permitted transactions	815
Trade execution requirement and exemptions therefrom	816
Trade execution compliance schedule	817
Application of the trade execution requirement to cross-border security-based swap transactions	832
Cross-border exemptions	833
Mitigation of conflicts of interest of security-based swap execution facilities and certain exchanges	834
Notice to Commission by security-based swap execution facility of final disciplinary action or denial or limitation of access	835

Rule 802 of Regulation SE defines a SBSEF as having the same meaning as in section 3(a)(77) of the Act, which states that a SBSEF is a trading system or platform in which multiple participants have the ability to execute or trade SBSs by accepting bids and offers made by multiple participants in the facility or system, through any means of interstate commerce, including any trading facility, that facilitates the execution of SBSs between persons; and is not a national securities exchange.[6] For any trading system or platform that falls within the SBSEF definition, Rule 803 of Regulation SE requires that system or platform to register with the Commission as a SBSEF or a national securities exchange.[7]

Specifically, Rule 803 of Regulation SE sets forth the requirements and procedures for registration as a SBSEF, including what must inform the Commission's determination whether to grant or deny registration. With respect to granting registration, Rule 803(b)(6)(i) states:

> The Commission shall issue an order granting registration upon a Commission determination, in its own discretion, that the applicant has demonstrated compliance with the Act and the Commission's rules applicable to security-based swap execution

2022. *See* Rules Relating to Security-Based Swap Execution and Registration and Regulation of Security-Based Swap Execution Facilities, Securities Exchange Act Release No. 94615 (Apr. 6, 2022), 87 FR 28872 (May 11, 2022) (''Proposing Release'').

[6] *See* 17 CFR 242.802; 15 U.S.C. 78c(77). Rule 802 does not include in the SBSEF definition any entity that is registered with the Commission as a clearing agency pursuant to section 17A of the Act and limits its SBSEF functions to operation of a trading session that is designed to further the accuracy of end-of-day valuations. *See* 17 CFR 242.802; *see also* 15 U.S.C. 78q–1.

[7] *See* 17 CFR 242.803.

facilities. If deemed appropriate, the Commission may issue an order granting registration subject to conditions.

And with respect to denying registration, Rule 803(b)(6)(ii) states:

The Commission may issue an order denying registration upon a Commission determination, in its own discretion, that the applicant has not demonstrated compliance with the Act and the Commission's rules applicable to security-based swap execution facilities. If the Commission denies an application, it shall specify the grounds for the denial.

B. Compliance Schedule

In 2011, the Commission published for comment proposed Regulation SBSEF relating to, among other things, the registration and regulation of SBSEFs.[8] After issuing the 2011 SBSEF Proposal, the Commission granted temporary exemptive relief regarding registration of any SBS trading venue as a SBSEF, national securities exchange, and/or broker.[9] The Temporary SBSEF Exemptions, among other things, permitted SBS trading venues that were not registered as exchanges or brokers, and that could not register as SBSEFs (because final rules for such registration had not been adopted), to continue to trade SBS products.[10] According to their terms, the Temporary SBSEF Exemptions expire upon the earliest compliance date for the Commission's final rules regarding SBSEF registration.[11] In 2022, the Commission re-proposed Regulation SE,[12] and the Temporary SBSEF Exemptions remained in force.[13]

In the Adopting Release, the Commission set forth the following compliance schedule: (1) the adopted rules became effective on February 13, 2024 (the ''Effective Date''); (2) the Temporary SBSEF Exemptions expired on August 12, 2024, which was 180 days after the Effective Date, for any entity that had not filed an application to register with the Commission on Form SBSEF; (3) for any entity that filed a Form SBSEF registration application on or before August 12, 2024, and whose Form SBSEF registration application was complete (having responded to requests by the Commission's staff for revisions or amendments) on or before October 11, 2024, which was 240 days after the Effective Date, the Temporary SBSEF Exemptions expire 30 days after Commission action to approve or disapprove the Form SBSEF registration application.[14]

III. Discussion

The SBSEF Applicants each filed a Form SBSEF registration application on or before August 12, 2024. After initial review focused on the completeness of each application, the Commission determined that each application was complete prior to October 11, 2024. Having determined each application to be complete, the Commission must determine whether each application has met the requirements of Rule 803 for registration as a SBSEF.

As stated above, pursuant to Rule 803, the Commission must issue an order granting SBSEF registration upon a Commission determination, in its own discretion, that the applicant has demonstrated compliance with the Exchange Act and the Commission's rules applicable to SBSEFs. Additionally, Rule 818(b) provides that, ''[u]nless otherwise determined by the Commission, by rule or regulation, a security-based swap execution facility . . . shall have reasonable discretion in establishing the manner in which it complies with the core principles described in section 3D of the Act.'' [15] The Exchange Act provisions and Commission rules applicable to SBSEFs are those set forth in the background section above, namely, the statutory provisions contained in section 3D of the Exchange Act, and the Commission rules contained in Regulation SE.

After review, the Commission has determined that each SBSEF Applicant has demonstrated compliance with the Exchange Act and the Commission rules applicable to SBSEFs. Each SBSEF Applicant's Form SBSEF application sets forth materials that demonstrate the SBSEF Applicant's compliance with the requirements of section 3D of the Exchange Act and Regulation SE that must be met upon a grant of registration.

IV. Conclusion

It is hereby ordered that the Form SBSEF application filed by each SBSEF Applicant listed below, pursuant to section 3D(a)(1) of the Exchange Act and Rule 803 thereunder, be, and hereby is, *approved:*

(1) Bloomberg SEF LLC (File No. 039–100022).

(2) Tradition SEF, LLC (File No. 039–100035).

(3) GFI Swaps Exchange LLC (File No. 039–100079).

(4) ICE Swap Trade, LLC (File No. 039–100038).

(5) TW SEF LLC (File No. 039–100034).

(6) WEMATCH.LIVE LLC (File No. 039–100017).

(7) tpSEF Inc. (File No. 039–100023).

(8) GLMX Technologies, LLC (File No. 039–100030).

By the Commission.

Vanessa A. Countryman,

Secretary.

[FR Doc. 2025–02162 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

[8] *See* Securities Exchange Act Release No. 63825 (Feb. 2, 2011), 76 FR 10948 (Feb. 28, 2011) (''2011 SBSEF Proposal'').

[9] *See* Securities Exchange Act Release Nos. 64678 (June 15, 2011), 76 FR 36287 (June 22, 2011); and 64795 (July 1, 2011), 76 FR 39927 (July 7, 2011) (collectively, the ''Temporary SBSEF Exemptions'').

[10] *See* Temporary SBSEF Exemptions, *supra* note 9; *see also* Adopting Release, *supra* note 5, 88 FR at 87228.

[11] *See* Temporary SBSEF Exemptions, *supra* note 9.

[12] *See* Proposing Release, *supra* note 5.

[13] *See id.* at 28874.

[14] *See* Adopting Release, *supra* note 5, 88 FR at 87237.

[15] 17 CFR 242.818(b).

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35463; 812–15673]

The RBB Fund Trust and Tweedy, Browne Company LLC

January 29, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

SUMMARY OF APPLICATION: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

APPLICANTS: The RBB Fund Trust and Tweedy, Browne Company LLC

FILING DATES: The application was filed on December 16, 2024.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the

request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 24, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Veena K. Jain, Esq., Faegre Drinker Biddle & Reath LLP, *veena.jain@faegredrinker.com,* with a copy to Patricia Rogers, Tweedy, Browne Company LLC, One Station Place, Stamford, Connecticut 06902 *andprogers@tweedy.com.*

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated December 16, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02156 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102303; File No. SR–NASDAQ–2025–005]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing of Proposed Rule Change To List and Trade Shares of the Canary Litecoin ETF Under Nasdaq Rule 5711(d)

January 29, 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 15, 2025, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to list and trade shares of the Canary Litecoin ETF (the ''Trust'') under Nasdaq Rule 5711(d) (''Commodity-Based Trust Shares''). The shares of the Trust are referred to herein as the ''Shares.''

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to list and trade the Shares under Nasdaq Rule 5711(d),[3] which governs the listing and trading of Commodity-Based Trust Shares on the Exchange. Canary Capital Group LLC is the sponsor of the Trust (the ''Sponsor''). The Shares will be registered with the SEC by means of the Trust's registration statement on Form S–1 (the ''Registration Statement'').[4] Any statements or representations included in this proposal regarding: (a) the description of the reference assets or trust holdings; (b) limitations on the reference assets or trust holdings; (c) dissemination and availability of the reference asset or intraday indicative value; or (d) the applicability of Nasdaq listing rules specified in this proposal shall constitute continued listing standards for the Shares listed on the Exchange.

The Commission has historically approved or disapproved exchange filings to list and trade series of Trust Issued Receipts, including spot-based Commodity-Based Trust Shares, on the basis of whether the listing exchange has in place a comprehensive surveillance sharing agreement with a regulated market of significant size related to the underlying commodity to be held.[5] The Commission has also

[3] The Commission approved Nasdaq Rule 5711 in Securities Exchange Act Release No. 66648 (March 23, 2012), 77 FR 19428 (March 30, 2012) (SR–NASDAQ–2012–013).

[4] *See* Registration Statement on Form S–1, dated October 15, 2024, filed with the Commission by the Sponsor on behalf of the Trust. The descriptions of the Trust, the Shares, the Index (as defined below), and LTC contained herein are based, in part, on information in the Registration Statement. The Registration Statement in not yet effective and the Shares will not trade on the Exchange until such time that the Registration Statement is effective.

[5] *See* Securities Exchange Act Release Nos. 78262 (July 8, 2016), 81 FR 78262 (July 14. 2016) (the ''Winklevoss Proposal''). The Winklevoss Proposal was subsequently disapproved by the Commission. *See* Securities Exchange Act Release No. 83723 (July 26, 2018), 83 FR 37579 (August 1, 2018) (the ''Winklevoss Order''). Prior orders from the Commission have pointed out that in every prior approval order for Commodity-Based Trust Shares, there has been a derivatives market that represents the regulated market of significant size, generally a Commodity Futures Trading Commission (the ''CFTC'') regulated futures market. Further to this point, the Commission's prior orders have noted that the spot commodities and currency markets for which it has previously approved spot ETPs are generally unregulated and that the Commission relied on the underlying futures market as the regulated market of significant size that formed the basis for approving the series of Currency and Commodity-Based Trust Shares, including gold,

Continued

consistently recognized, however, that this is not the *exclusive* means by which an ETP listing exchange can meet this statutory obligation.[6] A listing exchange could, alternatively, demonstrate that ''other means to prevent fraudulent and manipulative acts and practices will be sufficient'' to justify dispensing with a surveillance-sharing agreement with a regulated market of significant size.

The Commission recently issued orders granting approval for proposals to list bitcoin- and ether-based commodity trust shares and bitcoin- and ether-based trust issued receipts (these proposed funds are nearly identical to the Trust, but proposed to hold bitcoin and ether, respectively, instead of Litecoin) (''Spot Bitcoin ETPs'' and ''Spot ETH ETPs''). In both the Spot Bitcoin ETP Approval Order and Spot ETH ETP Approval Order, the Commission found that sufficient ''other means'' of preventing fraud and manipulation had been demonstrated that justified dispensing with a surveillance-sharing agreement with a market of significant size. Specifically, the Commission found that while the Chicago Mercantile Exchange (''CME'') futures market for both bitcoin and ether were not of ''significant size'' with respect to the spot market, the Exchange demonstrated that other means could be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the proposals.

As further discussed below, both the Exchange and the Sponsor believe that this proposal and the analysis to be included are sufficient to establish that there are sufficient ''other means'' of preventing fraud and manipulation that warrant dispensing of the surveillance-sharing agreement with a regulated market of significant size, as was done with both Spot Bitcoin ETPs and Spot ETH ETPs, and that this proposal should be approved.

Description of the Trust

The Shares will be issued by the Trust, a Delaware statutory trust. The Trust will operate pursuant to a trust agreement (the ''Trust Agreement''), as amended and/or restated from time to time. CSC Delaware Trust Company, a Delaware corporation, is the trustee of the Trust (the ''Trustee''). The Trust is managed and controlled by the Sponsor. U.S. Bancorp Fund Services, LLC will be the administrator (the ''Administrator''), U.S. Bancorp Fund Services, LLC will be the transfer agent (the ''Transfer Agent''), and U.S. Bank, N.A. will be responsible for the custody of the Trust's cash (the ''Cash Custodian''). BitGo Trust Company, Inc. and Coinbase Custody Trust Company, LLC, (the ''Custodians'') will be responsible for custody of the Trust's Litecoin (''LTC'').[7]

According to the Registration Statement, each Share will represent a fractional undivided beneficial interest in and ownership of the Trust. The Trust's assets will consist only of LTC and cash.

According to the Registration Statement, the Trust is not a fund registered under the Investment Company Act of 1940, as amended.[8] Further, the Trust is not a commodity pool for purposes of the Commodity Exchange Act of 1936, as amended (the ''CEA''), and the Sponsor is not subject to regulation by the Commodity Futures Trading Commission (the ''CFTC'') as a commodity pool operator or a commodity trading advisor in connection with the Shares.

Neither the Trust, nor the Sponsor, nor the Custodian, nor any other person associated with the Trust will, directly or indirectly, engage in action where any portion of the Trust's LTC is used to earn additional LTC or generate rewards or other income. The Trust will not acquire and will disclaim any incidental right (''IR'') or IR asset received, for example as a result of forks or airdrops, and such assets will not be taken into account for purposes of determining the Trust's net asset value (''NAV'').

When the Trust sells or redeems its Shares, it will do so in blocks of 10,000 Shares (a ''Basket'') based on the quantity of LTC attributable to each Share of the Trust (net of accrued but unpaid expenses and liabilities). For a creation of Shares, the creation shall be in the amount of cash needed to purchase the amount of LTC represented by the Basket being created, as calculated by the Administrator. For a redemption of Shares, the Sponsor shall arrange for the LTC represented by the Basket to be sold and the cash proceeds distributed. Authorized participants will deliver, or facilitate the delivery of, cash to the Trust's account with the Cash Custodian in exchange for Shares when they purchase Shares, and the Trust will deliver cash to such Authorized Participants when they redeem Shares with the Trust. Authorized Participants may then offer Shares to the public at prices that depend on various factors, including the supply and demand for Shares, the value of the Trust's assets, and market conditions at the time of a transaction. Owners of the beneficial interests of the Shares (the ''Shareholders'') who buy or sell Shares during the day from their broker may do so at a premium or discount relative to the per Share NAV of the Trust.

Investment Objective

According to the Registration Statement and as further described below, the Trust's investment objective is to seek to track the performance of LTC, as measured by the Index (as defined below), adjusted for the Trust's expenses and other liabilities. In seeking to achieve its investment objective, the Trust will hold LTC and will value its Shares daily as of 4:00 p.m. Eastern time (''ET'') using the same methodology used to calculate the Index. All of the Trust's LTC will be held by the Custodians.

LTC Background

LTC is a digital asset that is created and transmitted through the operations of the peer-to-peer, decentralized network of computers that operates on cryptographic protocols (the ''Litecoin Network''). No single entity owns or operates the Litecoin Network, the infrastructure of which is collectively maintained by a decentralized user base. The Litecoin Network allows people to

silver, platinum, palladium, copper, and other commodities and currencies. The Commission specifically noted in the Winklevoss Order that the approval order issued related to the first spot gold ETP ''was based on an assumption that the currency market and the spot gold market were largely unregulated.'' *See* Winklevoss Order at 37592. As such, the regulated market of significant size test does not require that the spot market be regulated in order for the Commission to approve this proposal, and precedent makes clear that an underlying market for a spot commodity or currency being a regulated market would actually be an exception to the norm. These largely unregulated currency and commodity markets do not provide the same protections as the markets that are subject to the Commission's oversight, but the Commission has consistently looked to surveillance sharing agreements with the underlying futures market in order to determine whether such products were consistent with the Act. *See* Securities Exchange Act No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (the ''Spot Bitcoin ETP Approval Order''); 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Self-Regulatory Organizations; NYSE Arca, Inc.; The Nasdaq Stock Market LLC; Cboe BZX Exchange, Inc.; Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products) (the ''Spot ETH ETP Approval Order'').

[6] *See* Winklevoss Order, 83 FR at 37580; *see* Spot Bitcoin ETP Approval Order, 89 FR at 3009; *see* Spot ETH ETP Approval Order 89 FR at 46938.

[7] The Trust may engage additional custodians for its LTC in the future, each of whom may be referred to as a Custodian.

[8] 15 U.S.C. 80a–1.

exchange LTC, which are recorded on a public transaction ledger known as a blockchain (the ''Litecoin Blockchain''). LTC can be used to pay for goods and services on the Litecoin Network, or it can be converted to fiat currencies, such as the U.S. dollar, at rates determined on digital asset trading platforms or in individual end-user-to-end-user transactions under a barter system.

Litecoin is an alternative software implementation of Bitcoin that was created in late 2011 by Charlie Lee, a former Google employee, who set out to create a proof-of-work currency that could be an alternative to Bitcoin. Ultimately, this resulted in a clone of Bitcoin. Although Litecoin is thus very similar to Bitcoin, there are several key differences between the Litecoin Network and the Bitcoin Network. These differences include a block generation time of approximately two and a half minutes for LTC as compared to ten minutes for Bitcoin, and a cap on the number of coins that will be created of 84 million LTC, as compared to 21 million for Bitcoin. As a result of these differences, transactions using LTC occur four times faster than transactions using Bitcoin and at a lower cost. Litecoin also implemented ''crypt,'' a distinct hashing algorithm different from Bitcoin's SHA–256 hashing algorithm, which does not require application-specific integrated circuits (''ASICs'') to mine LTC and therefore results in less centralized mining hash power.

The Litecoin Network is decentralized and does not require governmental authorities or financial institution intermediaries to create, transmit or determine the value of LTC. Rather, LTC is created and allocated by the Litecoin Network protocol through a ''mining'' process. The value of LTC is determined by the supply of and demand for LTC on the digital asset trading platforms or in private end-user-to-end-user transactions.

Similar to the Bitcoin Network, the Litecoin Network operates on a proof-of-work model. New LTC is created and rewarded to the miners of a block in the Litecoin Blockchain for verifying transactions. The Litecoin Blockchain is effectively a decentralized database that includes all blocks that have been mined by miners and it is updated to include new blocks as they are solved. Each LTC transaction is broadcast to the Litecoin Network and, when included in a block, recorded on the Litecoin Blockchain. As each new block records outstanding LTC transactions, and outstanding transactions are settled and validated through such recording, the Litecoin Blockchain represents a complete, transparent and unbroken history of all transactions of the Litecoin Network. The current miner reward of 6.25 LTC per block was reduced from 12.5 LTC per block by 50% in August 2023, and will be further reduced by another 50% every 840,000 blocks, or approximately four years, thereafter.

Similar to Bitcoin, LTC can be used to pay for goods and services or can be converted to fiat currencies, such as the U.S. dollar, at rates determined on digital asset exchanges or in individual end-user-to-end-user transactions under a barter system. Additionally, LTC is used to pay for transaction fees to miners for verifying transactions on the Litecoin Network.

Index

The Trust will use the CoinDesk Litecoin Price Index (LTX) (the ''Index'') to calculate the Trust's NAV. The Index is calculated by applying a weighting algorithm to the price and trading volume data for the immediately preceding 24-hour period as of 4:00 p.m., New York time, derived from the selected digital asset trading platforms. CoinDesk Indices, Inc. publishes the Index.

Net Asset Value

As set forth in the Registration Statement, NAV means the total assets of the Trust including, but not limited to, all LTC and cash less total liabilities of the Trust. The Administrator determines the NAV of the Trust on each day that the Exchange is open for regular trading, as promptly as practical after 4:00 p.m. ET. The NAV of the Trust is the aggregate value of the Trust's assets less its accrued but unpaid liabilities (which include accrued expenses). In determining the Trust's NAV, the Administrator values the LTC held by the Trust based on the price set by the Index as of 4:00 p.m. ET. The Administrator also determines the NAV per Share. The NAV for the Trust will be calculated by the Administrator once a day and will be disseminated daily to all market participants at the same time.

Availability of Information and Intraday Indicative Value

In addition to the price transparency of the Index, the Trust will provide information regarding the Trust's LTC holdings as well as additional data regarding the Trust. The website for the Trust, which will be publicly accessible at no charge, will contain the following information: (a) the prior business day's NAV per Share; (b) the prior business day's Nasdaq official closing price; (c) calculation of the premium or discount of such Exchange official closing price against such NAV per Share; (d) data in chart form displaying the frequency distribution of discounts and premiums of the Exchange's official closing price against the NAV, within appropriate ranges for each of the four previous calendar quarters (or for the life of the Trust, if shorter); (e) the prospectus; and (f) other applicable quantitative information. The Trust will also disseminate the Trust's holdings on a daily basis on the Trust's website. Quotation and last sale information regarding the Shares will be disseminated through the facilities of the relevant securities information processor.

The intraday indicative value (''IIV'') will be calculated by using the prior day's closing NAV per Share as a base and updating that value during the Exchange's regular market session of 9:30 a.m. to 4:00 p.m. ET (the ''Regular Market Session'') to reflect changes in the value of the Trust's LTC holdings during the trading day. The IIV disseminated during the Regular Market Session should not be viewed as an actual real-time update of the NAV, because NAV per Share is calculated only once at the end of each trading day based upon the relevant end-of-day values of the Trust's investments. The IIV will be widely disseminated on a per-Share basis every 15 seconds during the Regular Market Session through the facilities of the relevant securities information processor by market data vendors. In addition, the IIV will be available through online information services, such as Bloomberg and Reuters.

Quotation and last sale information for LTC is disseminated through a variety of major market data vendors. Information related to trading, including price and volume information, in LTC is available from major market data vendors and from the trading platforms on which LTC are traded. Depth of book information is also available from LTC trading platforms. The normal trading hours for LTC trading platforms are 24 hours per day, 365 days per year.

Information regarding market price and trading volume of the Shares will be continually available on a real-time basis throughout the day on brokers' computer screens and other electronic services. Information regarding the previous day's Nasdaq official closing price and trading volume information for the Shares will be published daily in the financial section of newspapers.

Custody of the Trust's LTC

The Custodians will be responsible for custody of the Trust's LTC. The Custodians are qualified custodians

under Rule 206–4 of the Investment Adviser Act. The Custodians will custody the Trust's LTC pursuant to custody agreements. The custody agreements require the Custodians to maintain the Trust's LTC in segregated accounts that clearly identify the Trust as owner of the respective accounts and assets held in those accounts; the segregation will be both from the proprietary property of the Custodians and the assets of any other customer. Such arrangements are generally deemed to be ''bankruptcy remote,'' that is, in the event of an insolvency of a Custodian, assets held in such segregated accounts would not become property of the Custodian's estate and would not be available to satisfy claims of creditors of the Custodian. In addition, the Custodians carry fidelity insurance, which covers assets held by the Custodians in custody from risks such as theft of funds. LTC owned by the Trust will at all times be held by, and in the control of, the Custodians, and transfer of such LTC to or from the Custodians will occur only in connection with creation and redemptions of Shares or allocations among the Custodians.

The Custodians carefully consider the design of the physical, operational and cryptographic systems for secure storage of the Trust's private keys in an effort to lower the risk of loss or theft. The Custodians utilizes a variety of security measures to ensure that private keys necessary to transfer digital assets remain uncompromised and that the Trust maintains exclusive ownership of its assets. The operational procedures of the Custodians are reviewed by third-party advisors with specific expertise in physical security. The devices that store the keys will never be connected to the internet or any other public or private distributed network—this is colloquially known as ''cold storage.'' Only specific individuals are authorized to participate in the custody process, and no individual acting alone will be able to access or use any of the private keys. In addition, no combination of the executive officers of the Sponsor or the investment professionals managing the Trust, acting alone or together, will be able to access or use any of the private keys that hold the Trust's LTC.

Creation and Redemption of Shares

The Trust will issue Shares on an ongoing basis, but only in one or more Baskets. The creation and redemption of a Basket requires the delivery to the Trust, or the distribution by the Trust, of the cash value of the amount of LTC represented by each Basket being created or redeemed, which is calculated pursuant to the same procedures used to calculate the Trust's NAV (the ''Basket Amount''). The amount of bitcoin the Trust, by the number of Shares outstanding at such time (the quotient so obtained represented by each Basket is determined by dividing the number of LTC owned by the Trust at 4:00 p.m. ET, on the trade date of a creation or redemption order, as adjusted for the number of whole and fractional LTC constituting accrued but unpaid fees and expenses of the Trust, by the number of Shares outstanding at such time and multiplying such quotient by 10,000. The Basket Amount multiplied by the number of Baskets being created or redeemed is the ''Total Basket Amount.'' The only persons that may place orders to create or redeem Baskets are authorized participants (''Authorized Participants''). Each Authorized Participant must (i) be a registered broker-dealer or similar exempt financial institution and (ii) enter into a participant agreement with the Sponsor, the Administrator, and the Trust's marketing agent. Authorized Participants may act for their own accounts or as agents for broker-dealers, custodians and other securities market participants that wish to create or redeem Baskets. Shareholders who are not Authorized Participants will only be able to redeem their Shares through an Authorized Participant. The Authorized Participants will deliver only cash to create Shares and will receive only cash when redeeming Shares. Further, Authorized Participants will not directly or indirectly purchase, hold, deliver, or receive LTC as part of the creation or redemption process or otherwise direct the trust or a third party with respect to purchasing, holding, delivering, or receiving LTC as part of the creation or redemption process. The Sponsor will maintain ownership and control of the LTC in a manner consistent with good delivery requirements for spot commodity transactions.

Applicable Standard

The Commission has approved numerous series of Trust Issued Receipts,[9] including Commodity-Based Trust Shares,[10] to be listed on U.S. national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices; and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the ''regulated market of significant size'' standard is not the only means for satisfying Section 6(b)(5) of the Act, specifically providing that a listing exchange could demonstrate that ''other means to prevent fraudulent and manipulative acts and practices'' are sufficient to justify dispensing with the requisite surveillance-sharing agreement.[11] For example, in approving the Spot Bitcoin ETPs, the Commission found that there were ''sufficient 'other means' of preventing fraud and manipulation,'' including that:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission's own analysis, the Commission is able to conclude that fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is consistently highly correlated to spot bitcoin, albeit not of

[9] Pursuant to Nasdaq Rule 5720(a), the term ''Trust Issued Receipt'' means a security (a) that is issued by a trust which holds specified securities deposited with the trust; (b) that, when aggregated in some specified minimum number, may be surrendered to the trust by the beneficial owner to receive the securities; and (c) that pays beneficial owners dividends and other distributions on the deposited securities, if any are declared and paid to the trustee by an issuer of the deposited securities

[10] Pursuant to Nasdaq Rule 5711(d)(iv), the term ''Commodity-Based Trust Shares'' means a security (1) that is issued by a trust that holds (a) a specified commodity deposited with the trust, or (b) a specified commodity and, in addition to such specified commodity, cash; (2) that is issued by such trust in a specified aggregate minimum number in return for a deposit of a quantity of the underlying commodity and/or cash; and (3) that, when aggregated in the same specified minimum number, may be redeemed at a holder's request by such trust which will deliver to the redeeming holder the quantity of the underlying commodity and/or cash.

[11] *See* Winklevoss Order at 37580. The Commission has also specifically noted that it ''is not applying a 'cannot be manipulated' standard; instead, the Commission is examining whether the proposal meets the requirements of the Exchange Act and, pursuant to its Rules of Practice, places the burden on the listing exchange to demonstrate the validity of its contentions and to establish that the requirements of the Exchange Act have been met.'' *Id.* at 37582.

''significant size'' related to spot bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Spot Bitcoin ETPs].[12]

Today, Coinbase Derivatives, LLC (''Coinbase Derivatives'') offers trading in LTC futures.[13] Nasdaq has a comprehensive surveillance-sharing agreement with Coinbase Derivatives via its common membership in the Intermarket Surveillance Group (''ISG'').[14] This facilitates the sharing of information that is available to Coinbase Derivatives through its surveillance of its markets, including its surveillance of Coinbase Derivatives' LTC futures market. Similar to the Spot Bitcoin and Spot ETH ETPs previously approved by the SEC, Nasdaq's ability to obtain information regarding trading in the LTC futures from other markets that are members of the ISG (specifically Coinbase Derivatives) would assist Nasdaq in detecting and deterring misconduct.[15]

Initial and Continued Listing

The Shares will be subject to Nasdaq Rule 5711(d)(vi), which sets forth the initial and continued listing criteria applicable to Commodity-Based Trust Shares. The Exchange will obtain a representation that the Trust's NAV per Share will be calculated daily and will be made available to all market participants at the same time. A minimum of 40,000 Shares will be required to be outstanding at the time of commencement of trading on the Exchange. Upon termination of the Trust, the Shares will be removed from listing. The Trustee will be a trust company having substantial capital and surplus and the experience and facilities for handling corporate trust business, as required under Nasdaq Rule 5711(d)(vi)(D) and no change will be made to the Trustee without prior notice to and approval of the Exchange.

As required in Nasdaq Rule 5711(d)(viii), the Exchange notes that any registered market maker (''Market Maker'') in the Shares must file with the Exchange, in a manner prescribed by the Exchange, and keep current a list identifying all accounts for trading the underlying commodity, related futures or options on futures, or any other related derivatives, which the registered Market Maker may have or over which it may exercise investment discretion. No registered Market Maker in the Shares shall trade in the underlying commodity, related futures or options on futures, or any other related derivatives, in an account in which a registered Market Maker, directly or indirectly, controls trading activities, or has a direct interest in the profits or losses thereof, which has not been reported to the Exchange as required by Nasdaq Rule 5711(d). In addition to the existing obligations under Exchange rules regarding the production of books and records, the registered Market Maker in the Shares shall make available to the Exchange such books, records or other information pertaining to transactions by such entity or any limited partner, officer or approved person thereof, registered or non-registered employee affiliated with such entity for its or their own accounts in the underlying commodity, related futures or options on futures, or any other related derivatives, as may be requested by the Exchange.

The Exchange is able to obtain information regarding trading in the Shares and the underlying LTC, LTC futures contracts, or any other LTC derivative through members acting as registered Market Makers, in connection with their proprietary or customer trades.

As a general matter, the Exchange has regulatory jurisdiction over its members, and their associated persons. The Exchange also has regulatory jurisdiction over any person or entity controlling a member, as well as a subsidiary or affiliate of a member that is in the securities business. A subsidiary or affiliate of a member organization that does business only in commodities would not be subject to Exchange jurisdiction, but the Exchange could obtain information regarding the activities of such subsidiary or affiliate through surveillance sharing agreements with regulatory organizations of which such subsidiary or affiliate is a member.

Trading Rules

The Exchange deems the Shares to be equity securities, thus rendering trading in the Shares subject to the Exchange's existing rules governing the trading of equity securities. The Exchange will allow trading in the Shares from 4:00 a.m. to 8:00 p.m. ET. The Exchange has appropriate rules to facilitate transactions in the Shares during all trading sessions. The Shares of the Trust will conform to the initial and continued listing criteria set forth in Nasdaq Rule 5711(d) and will comply with the requirements of Rule 10A–3 of the Act.

Trading Halts

With respect to trading halts, the Exchange may consider all relevant factors in exercising its discretion to halt or suspend trading in the Shares. The Exchange will halt trading in the Shares under the conditions specified in Nasdaq Rules 4120 and 4121, including without limitation the conditions specified in Nasdaq Rule 4120(a)(9) and (10) and the trading pauses under Nasdaq Rules 4120(a)(11) and (12).

Trading may be halted because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include: (1) the extent to which trading is not occurring in the LTC underlying the Shares; or (2) whether other unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market are present.

If the IIV or the value of the Index is not being disseminated as required, the Exchange may halt trading during the day in which the interruption to the dissemination of the IIV or the value of the Index occurs. If the interruption to the dissemination of the IIV or the value of the Index persists past the trading day in which it occurred, the Exchange will halt trading no later than the beginning of the trading day following the interruption.

In addition, if the Exchange becomes aware that the NAV per Share with respect to the Shares is not disseminated to all market participants at the same time, it will halt trading in the Shares until such time as the NAV per Share is available to all market participants.

Surveillance

The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of the Shares on the Exchange during all trading sessions and to deter and detect violations of Exchange rules and the applicable federal securities laws. The surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.,* spoofing, marking the

[12] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for Spot ETH ETPs. *See* Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

[13] *See https://assets.ctfassets.net/k3n74unfin40/3xEbgdn4kcSEfs409Yrwuo/76eaa812a06b1d6d3d01fc9f7f6e996c/2024-7_Listing_of_LC_Futures.docx.pdf.*

[14] For a list of the current members and affiliate members of ISG, see *https://www.isgportal.com/.*

[15] The Exchange will provide the relevant correlation analysis through an amendment of this filing.

close, pinging, phishing). Trading of Shares on the Exchange will be subject to the Exchange's surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange or FINRA, on behalf of the Exchange, or both, will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange or FINRA, on behalf of the Exchange, or both, may obtain trading information regarding trading in the Shares and listed LTC futures from such markets and other entities. The Exchange also may obtain information regarding trading in the Shares and listed LTC futures via the ISG, from other exchanges who are members or affiliates of the ISG, or with which the Exchange has entered into a comprehensive surveillance sharing agreement.

Information Circular

Prior to the commencement of trading, the Exchange will inform its members in an information circular (''Information Circular'') of the special characteristics and risks associated with trading the Shares. Specifically, the Information Circular will discuss the following: (1) the procedures for creations and redemptions of Shares in Baskets (and that Shares are not individually redeemable); (2) Section 10 of Nasdaq General Rule 9, which imposes suitability obligations on Nasdaq members with respect to recommending transactions in the Shares to customers; (3) how information regarding the IIV and NAV is disseminated; (4) the risks involved in trading the Shares during the pre-market and post-market sessions when an updated IIV will not be calculated or publicly disseminated; (5) the requirement that members deliver a prospectus to investors purchasing newly issued Shares prior to or concurrently with the confirmation of a transaction; and (6) trading information. The Information Circular will also discuss any exemptive, no action and interpretive relief granted by the Commission from any rules under the Act.

The Information Circular will also reference the fact that there is no regulated source of last sale information regarding LTC, that the Commission has no jurisdiction over the trading of LTC as a commodity.

Additionally, the Information Circular will reference that the Trust is subject to various fees and expenses described in the Registration Statement. The Information Circular will also disclose the trading hours of the Shares. The Information Circular will disclose that information about the Shares will be publicly available on the Trust's website.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[16] in general, and furthers the objectives of Section 6(b)(5) of the Act,[17] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general to protect investors and the public interest.

The Commission has approved numerous series of Trust Issued Receipts, including Commodity-Based Trust Shares, to be listed on U.S. national securities exchanges. In order for any proposed rule change from an exchange to be approved, the Commission must determine that, among other things, the proposal is consistent with the requirements of Section 6(b)(5) of the Act, specifically including: (i) the requirement that a national securities exchange's rules are designed to prevent fraudulent and manipulative acts and practices; and (ii) the requirement that an exchange proposal be designed, in general, to protect investors and the public interest. The Exchange believes that this proposal is consistent with the requirements of Section 6(b)(5) of the Act.

As noted above, the Commission has recognized that the ''regulated market of significant size'' standard is not the only means for satisfying Section 6(b)(5) of the act, specifically providing that a listing exchange could demonstrate that ''other means to prevent fraudulent and manipulative acts and practices'' are sufficient to justify dispensing with the requisite surveillance-sharing agreement with the underlying spot market. The Exchange and Sponsor believe that such conditions are present. As discussed above, in approving the Spot Bitcoin ETPs, the Commission found that there were ''sufficient 'other means' of preventing fraud and manipulation,'' including that:

> [B]ased on the record before the Commission and the improved quality of the correlation analysis in the record, including the Commission's own analysis, the Commission is able to conclude that fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is consistently highly correlated to spot bitcoin, albeit not of ''significant size'' related to spot bitcoin—can be reasonably expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Spot Bitcoin ETPs].[18]

As discussed above, Coinbase Derivatives offers trading in LTC futures.[19] Nasdaq has a comprehensive surveillance-sharing agreement with Coinbase Derivatives via its common membership in ISG, which facilitates the sharing of information that is available to Coinbase Derivatives through its surveillance of its markets, including its surveillance of Coinbase Derivatives' LTC futures market. Similar to the Spot Bitcoin and Spot ETH ETPs previously approved by the SEC, Nasdaq's ability to obtain information regarding trading in the LTC futures from other markets that are members of the ISG (specifically Coinbase

[16] 15 U.S.C. 78f(b).

[17] 15 U.S.C. 78f(b)(5).

[18] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008 (January 17, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Bitcoin-Based Commodity-Based Trust Shares and Trust Units). The SEC made substantially similar findings in the approval order for spot ether ETPs. *See* Securities Exchange Act Release No. 100224 (May 23, 2024), 89 FR 46937 (May 30, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, To List and Trade Shares of Ether-Based Exchange-Traded Products).

[19] *See https://assets.ctfassets.net/k3n74unfin40/3xEbgdn4kcSEfs409Yrwuo/76eaa812a06b1d6d3d01fc9f7f6e996c/2024-7_Listing_of_LC_Futures.docx.pdf.*

Derivatives) would assist Nasdaq in detecting and deterring misconduct.[20]

The Exchange further believes that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest in that the Shares will be listed and traded on the Exchange pursuant to the initial and continued listing criteria set forth in Nasdaq Rule 5711(d). The Exchange has in place surveillance procedures that are adequate to properly monitor trading in the Shares in all trading sessions and to deter and detect violations of Exchange rules and applicable federal securities laws. As discussed above, the surveillance program includes real-time patterns for price and volume movements and post-trade surveillance patterns (*e.g.,* spoofing, marking the close, pinging, phishing). Trading of Shares on the Exchange will be subject to the Exchange's surveillance program for derivative products, as well as cross-market surveillances administered by FINRA, on behalf of the Exchange pursuant to a regulatory services agreement, which are also designed to detect violations of Exchange rules and applicable federal securities laws. The Exchange is responsible for FINRA's performance under this regulatory services agreement.

The Exchange will require the Trust to represent to the Exchange that it will advise the Exchange of any failure by the Trust to comply with the continued listing requirements, and, pursuant to its obligations under Section 19(g)(1) of the Exchange Act, the Exchange will surveil for compliance with the continued listing requirements. If the Trust is not in compliance with the applicable listing requirements, the Exchange will commence delisting procedures under the Nasdaq 5800 Series. In addition, the Exchange also has a general policy prohibiting the distribution of material, non-public information by its employees.

The Exchange will communicate as needed regarding trading in the Shares with other markets and other entities that are members of the ISG, and the Exchange may obtain trading information regarding trading in the Shares and listed LTC futures from such markets and other entities.

Trading in Shares of the Trust will be halted if the circuit breaker parameters have been reached or because of market conditions or for reasons that, in the view of the Exchange, make trading in the Shares inadvisable. These may include unusual conditions or circumstances detrimental to the maintenance of a fair and orderly market.

The proposed rule change is designed to perfect the mechanism of a free and open market and, in general, to protect investors and the public interest in that it will facilitate the listing and trading of Shares that will enhance competition among market participants, to the benefit of investors and the marketplace.

For all the above reasons, the Exchange believes that the proposed rule change is consistent with the requirements of Section 6(b)(5) of the Act.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purpose of the Act. The Exchange notes that the proposed rule change rather will facilitate the listing and trading of additional exchange-traded product that will enhance competition among both market participants and listing venues, to the benefit of investors and the marketplace.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (a) by order approve or disapprove such proposed rule change, or (b) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov*. Please include file number SR–NASDAQ–2025–005 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NASDAQ–2025–005. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection.

All submissions should refer to file number SR–NASDAQ–2025–005 and should be submitted on or before February 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[21]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02152 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

[20] The Exchange will provide the relevant correlation analysis through an amendment of this filing.

[21] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102302; File No. 4–845]

Self-Regulatory Organizations; MIAX Emerald, LLC; Order Declaring Effective a Minor Rule Violation Plan

January 29, 2025.

On November 19, 2024, MIAX Emerald, LLC (''Emerald'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposed minor rule violation plan (''MRVP'' or ''Plan'') pursuant to Section 19(d)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19d–1(c)(2) thereunder.[2] The proposed MRVP was published for comment on December 3, 2024.[3] The Commission received no comments on the proposal. This order declares the Exchange's proposed MRVP effective.

The Exchange's MRVP specifies the rule violations that will be included in the Plan and will have sanctions not exceeding $2,500. Any violations resolved under the MRVP would not be subject to the provisions of Rule 19d–1(c)(1) of the Act,[4] which requires that a self-regulatory organization (''SRO'') promptly file notice with the Commission of any final disciplinary action taken with respect to any person or organization.[5] In accordance with Rule 19d–1(c)(2) under the Act,[6] the Exchange proposed to designate certain specified rule violations as minor rule violations and requested that it be relieved of the prompt reporting requirements regarding such violations, provided it gives notice of such violations to the Commission on a quarterly basis.

The Exchange proposed to include in its MRVP the procedures and violations currently included in Exchange Rule 1014 (''Imposition of Fines for Minor Rule Violations'').[7] According to the Exchange's proposed MRVP, the Exchange may impose a fine (not to exceed $2,500) on any Member, or person associated with or employed by a Member, for any rule violation listed in Rule 1014(d).[8] The Exchange shall serve the person against whom a fine is imposed with a written statement setting forth the rule or rules allegedly violated, the act or omission constituting each such violation, the fine imposed for each violation, and the date by which such determination becomes final or by which such fine must be paid or contested. If the person against whom the fine is imposed pays the fine, such payment shall be deemed to be a waiver of such person's right to a disciplinary proceeding and any review of the matter under the Exchange rules. Any person against whom a fine is imposed may contest the Exchange's determination by filing with the Exchange a written answer, at which point the matter shall become a disciplinary proceeding.[9]

According to the Exchange, upon the Commission's declaration of effectiveness of the MRVP, the Exchange will provide to the Commission a quarterly report for any actions taken on minor rule violations under the MRVP.[10] The quarterly report will include: the disposition date, the name of the firm/individual, the Exchange's internal enforcement number, the review period, the nature of the violation type, the number of instances the violation occurred, and the sanction imposed.[11]

The Exchange requested that the Commission deem any changes to the rules applicable to the Exchange's MRVP to be deemed modifications to the Exchange's MRVP.

The Commission finds that the proposal is consistent with the public interest, the protection of investors, or otherwise in furtherance of the purposes of the Act, as required by Rule 19d–1(c)(2) under the Act,[12] because the MRVP will permit the Exchange to carry out its oversight and enforcement responsibilities as an SRO more efficiently in cases where formal disciplinary proceedings are not necessary due to the minor nature of the particular violation.

In declaring the Exchange's MRVP effective, the Commission does not minimize the importance of compliance with Exchange rules and all other rules subject to the imposition of sanctions under Exchange Rule 1014(d). Violation of an SRO's rules, as well as Commission rules, is a serious matter. However, Exchange Rule 1014(d) provides a reasonable means of addressing violations that do not rise to the level of requiring formal disciplinary proceedings, while providing greater flexibility in handling certain violations. The Commission expects the Exchange to continue to conduct surveillance and make determinations based on its findings, on a case-by-case basis, regarding whether a violation requires formal disciplinary action or whether a sanction under the MRVP is appropriate.

It is therefore ordered, pursuant to Rule 19d–1(c)(2) under the Act,[13] that the proposed MRVP for MIAX Emerald, LLC, File No. 4–845 be, and hereby is, declared effective.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[14]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02149 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

[1] 15 U.S.C. 78s(d)(1).

[2] 17 CFR 240.19d–1(c)(2).

[3] *See* Securities Exchange Act Release No. 101759 (November 26, 2024), 89 FR 95833 (''Notice'').

[4] 17 CFR 240.19d–1(c)(1).

[5] The Commission adopted amendments to paragraph (c) of Rule 19d–1 to allow SROs to submit for Commission approval plans for the abbreviated reporting of minor disciplinary infractions. *See* Securities Exchange Act Release No. 21013 (June 1, 1984), 49 FR 23828 (June 8, 1984). Any disciplinary action taken by an SRO against any person for violation of a rule of the SRO which has been designated as a minor rule violation pursuant to a plan filed with and declared effective by the Commission is not considered ''final'' for purposes of Section 19(d)(1) of the Act if the sanction imposed consists of a fine not exceeding $2,500 and the sanctioned person has not sought an adjudication, including a hearing, or otherwise exhausted his administrative remedies.

[6] 17 CFR 240.19d–1(c)(2).

[7] The Exchange received its grant of registration on December 20, 2018, which included approving the rules that govern the Exchange. *See* Securities Exchange Act Release No. 84891 (December 20, 2018), 83 FR 67421 (December 28, 2018) (File No. 10–233). Under the proposed MRVP, violations of the following rules would be appropriate for disposition under the MRVP: Rule 307 (Position Limits); Rule 803 (Focus Reports); Rule 804 (Requests for Trade Data); Rule 520 (Order Entry); Rule 603 (Quotation Parameters); Rule 605 (Execution of Orders in Appointed Options); Rule 314 (Mandatory Systems Testing); Rule 700 (Exercise of Option Contracts); Rule 309 (Exercise Limits); Rule 310 (Reports Related to Position Limits); Rule 403 (Trading in Restricted Classes); Rule 604 (Market Maker Quotations); Rule 1904 (Failure to Timely File Amendments to Form U4, Form U5, and Form BD); and Rules 1701–1713 (Failure to Comply with the Consolidated Audit Trail Compliance Rule Under Chapter XVII). According to the Exchange, the Conduct and Decorum Policies under Rule 1014(d)(4) are excluded from the proposed MRVP. *See* Notice, *supra* note 3, at 95833.

[8] While Rule 1014 allows the Exchange to administer fines up to $5,000, the Exchange is only seeking relief from the reporting requirements of paragraph (c)(1) of Rule 19d–1 for fines administered under Rule 1014(d) that do not exceed $2,500.

[9] *See* Notice, *supra* note 3, at 95833.

[10] *See id.*

[11] *See id.*

[12] 17 CFR 240.19d–1(c)(2).

[13] *Id.*

[14] 17 CFR 200.30–3(a)(44).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102308; File No. SR–NASDAQ–2024–059]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Order Granting Approval of a Proposed Rule Change To Modify the Package of Complimentary Services Provided to Certain Eligible Switches and To Modify the Definition of an Eligible Switch

January 29, 2025.

I. Introduction

On October 17, 2024, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''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 modify the definition of companies that are eligible for complimentary services when switching their listing to the Exchange and to modify the package of complimentary services available to such eligible companies. The proposed rule change was published for comment in the **Federal Register** on November 5, 2024.[3] On December 18, 2024, the Commission designated a longer period for the Commission to take action on the proposed rule change.[4] This order approves the proposed rule change.

II. Description of the Proposed Rule Change

Nasdaq offers complimentary services under Listing Rule IM–5900–7 to Eligible New Listings [5] and Eligible Switches [6] newly listing on Nasdaq's Global or Global Select Market.[7] Nasdaq states that the complimentary service program offers valuable services to newly listing companies, is designed to help ease the transition of becoming a public company or switching markets, and makes listing on Nasdaq more attractive to these companies.[8] The services offered include a whistleblower hotline, investor relations website, disclosure services for earnings or other press releases, webcasting, market analytic tools, environmental, social and governance services, and may include market advisory tools such as stock surveillance (collectively, the ''Service Package'').[9]

Currently, an Eligible Switch that has a market capitalization of $750 million or more but less than $5 billion receives certain complimentary services for four years, including the choice of one of the following Market Advisory Tools: Stock Surveillance, Global Targeting, or an Annual Perception Study.[10] Instead of providing for the choice of one of the three Market Advisory Tools for four years,[11] Nasdaq proposes to modify Listing Rule IM–5900–7(d)(2) to provide an Eligible Switch that has a market capitalization of $750 million or more but less than $5 billion that lists on or after the effective date of this proposed rule change with one Annual Perception Study during the four-year period and the choice of the remaining two Market Advisory Tools (*i.e.,* Stock Surveillance or Global Targeting) for four years.[12] Nasdaq also proposes to modify Listing Rule IM–5900–7(d)(2) to reflect that an Eligible Switch that had a market capitalization of $750 million or more but less than $5 billion that listed on Nasdaq prior to the effective date of this proposed rule change is not eligible for the one Annual Perception Study during the four-year period, but received, upon listing (as provided by the rules in effect at that time), the choice of Stock Surveillance, Global Targeting, or Annual Perception Study.[13]

Currently, an Eligible Switch that has a market capitalization of $5 billion or more receives as part of its Service Package the choice of two Market Advisory Tools for four years.[14] Nasdaq proposes to modify Listing Rule IM–5900–7(d)(3)(A) to provide an Eligible Switch that has a market capitalization of $5 billion or more that lists on or after the effective date of this proposed rule change with one Annual Perception Study during the four-year period and both of the remaining Market Advisory Tools (*i.e.,* Stock Surveillance and Global Targeting) for four years.[15] Nasdaq also proposes to modify Listing Rule IM–5900–7(d)(3) to reflect that an Eligible Switch that had a market capitalization of $5 billion or more that listed on Nasdaq prior to the effective date of this proposed rule change is not eligible for the one Annual Perception Study during the four-year period but received, upon listing (as provided by the rules in effect at that time), the choice of two of the following three services: Stock Surveillance, Global Targeting, or Annual Perception Study.[16]

Finally, Nasdaq proposes to modify the definition of an ''Eligible Switch'' in Listing Rule IM–5900–7(a)(2) to include

---

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101483 (October 30, 2024), 89 FR 87914 (''Notice''). The Commission has received no comments on the proposed rule change.

[4] *See* Securities Exchange Act Release No. 101965, 89 FR 105160 (December 26, 2024).

[5] Listing Rule IM–5900–7(a)(1) defines an ''Eligible New Listing'' as ''a Company listing on the Global or Global Select Market in connection with: (i) an initial public offering in the United States, including American Depository Receipts (other than a Company listed under IM–5101–2), (ii) upon emerging from bankruptcy, (iii) in connection with a spin-off or carve-out from another Company, (iv) in connection with a Direct Listing as defined in IM–5315–1 (including the listing of American Depository Receipts), or (v) in conjunction with a business combination that satisfies the conditions in IM–5101–2(b).''

[6] Current Listing Rule IM–5900–7(a)(2) defines an ''Eligible Switch'' as ''a Company: (i) (other than a Company listed under IM–5101–2) switching its listing from the New York Stock Exchange to the Global or Global Select Markets, or (ii) that has switched its listing from the New York Stock Exchange and listed on Nasdaq under IM–5101–2 after the Company publicly announced that it entered into a binding agreement for a business combination and that subsequently satisfies the conditions in IM–5101–2(b) and lists on the Global or Global Select Market in conjunction with that business combination.'' *See infra* notes 17–19 and accompanying text for discussion of the proposed changes to the definition of ''Eligible Switch.''

[7] *See* Listing Rule IM–5900–7 (describing the complimentary services available to certain companies that listed on or after March 12, 2021, the effective date of SR–NASDAQ–2021–002). *See also* Securities Exchange Act Release No. 91318 (March 12, 2021), 86 FR 14774 (March 18, 2021) (SR–NASDAQ–2021–002) (''2021 Order'') (modifying the package of complimentary services offered to eligible companies that listed on or after March 12, 2021); Securities Exchange Act Release No. 98367 (September 12, 2023), 88 FR 64016 (September 18, 2023) (SR–NASDAQ–2023–017) (''2023 Order'') (modifying the package of complimentary services offered to eligible companies that listed on or after September 12, 2023).

[8] *See* Notice, *supra* note 3, at 87915.

[9] Nasdaq states that, in addition, all companies listed on Nasdaq receive other standard services from Nasdaq, including Nasdaq Online and the Market Intelligence Desk. *See id.* at 87915 n.6.

[10] *See* Listing Rule IM–5900–7(d)(2). *See also* Listing Rule 7(b) for a description of ''Market Advisory Tools'' and, specifically, the ''Stock Surveillance,'' ''Global Targeting,'' and ''Annual Perception Study'' tools. Nasdaq represents that the total retail value of these services is up to approximately $220,200 per year. The company also receives one Virtual Event during the four-year period, which has a retail value of approximately $11,700. In addition, the one-time development fees of approximately $6,000 to establish the services in the first year is waived. *See* Notice, *supra* note 3, at 87915 n.8; Listing Rule IM–5900–7(d)(2).

[11] Once the company elects a service it cannot subsequently change to a different alternative, including in a subsequent year. *See* Listing Rule IM–5900–7(e); Notice, *supra* note 3, at 87915 n.9.

[12] *See* Notice, *supra* note 3, at 87915.

[13] *See id.*

[14] *See* Listing Rule IM–5900–7(d)(3). Nasdaq represents that the total retail value of these services is up to approximately $373,700 per year. The company also receives one Virtual Event during the four-year period, which has a retail value of approximately $11,700. In addition, the one-time development fees of approximately $26,500 to establish the services in the first year is waived. *See* Notice, *supra* note 3, at 87915 n.10; Listing Rule IM–5900(7)(d)(3)(A).

[15] *See* Notice, *supra* note 3, at 87915. Specifically, Nasdaq proposes to add new Listing Rule IM–5900–7(d)(3)(B) and move existing Listing Rule IM–5900–7(d)(3)(B) to Listing Rule IM–5900–7(d)(3)(C), with modifications.

[16] *See id.*

a company (other than a company listed under Listing Rule IM–5101–2) switching its listing on or after the effective date of this proposed rule change to the Global or Global Select Market not only from the New York Stock Exchange (''NYSE''), as currently provided by Listing Rule IM–5900–7(a)(2), but also from any other national securities exchange.[17] Similarly, Nasdaq proposes to modify this definition so that a company that has switched its listing from any national securities exchange on or after the effective date of this proposed rule change and listed on Nasdaq under Listing Rule IM–5101–2 after the company publicly announced that it entered into a binding agreement for a business combination and that subsequently satisfies the conditions in Listing Rule IM–5101–2(b) and lists on the Global or Global Select Market in conjunction with that business combination will be an Eligible Switch and will be entitled to a Service Package, as described above.[18] This is an expansion from the current definition of ''Eligible Switch,'' which only includes companies that have switched their listings from NYSE.[19]

III. Discussion and Commission Findings

After careful review, the Commission finds that the proposed rule change is consistent with the requirements of section 6 of the Act.[20] In particular, the Commission finds that the proposed rule change is consistent with sections 6(b)(4) and (5) of the Act,[21] in that it is designed to provide for the equitable allocation of reasonable dues, fees, and other charges among Exchange members, issuers, and other persons using the Exchange's facilities, and, in general, to protect investors and the public interest, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers. In addition, the Commission finds that the proposed rule change is consistent with section 6(b)(8) of the Act,[22] in that it does not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

Nasdaq is responding to competitive pressures in the market for listings in making this proposal. Nasdaq states that it faces competition in the market for listing services, and competes, in part, by offering valuable services to companies, including complimentary services.[23] According to Nasdaq, the modified complimentary service packages will increase the value of such packages to the companies affected by this proposal because one Annual Perception Study will be provided in addition to four years of Stock Surveillance and/or Global Targeting, whereas currently some companies may choose the higher-valued four years of Stock Surveillance and/or Global Targeting without benefiting from any Annual Perception Study.[24] Nasdaq also states these changes will streamline the offering of services to new Eligible Switches and that new Eligible Switches with a market capitalization of $750 million or more, generally, would benefit from an Annual Perception Study that leverages extensive capital markets relationships and benchmark data, amplifying the companies' efforts to elevate their story, enhance stakeholder engagement, identify risk, and attract new capital.[25]

The Commission finds that it is consistent with the Act to modify the packages of complimentary services offered to Eligible Switches with a market capitalization of $750 million or more that list on or after the effective date of this proposed rule change as described herein. As Nasdaq states, the proposed modifications relate to how Market Advisory Tools are provided and would likely increase the value of complimentary services packages to the companies affected by this proposal.[26] The Commission finds that this is reasonable and consistent with section 6(b)(5) of the Act.[27] In addition, the Commission finds that the proposed rule change reflects the current competitive environment for exchange listings among national securities exchanges and is consistent with section 6(b)(8) of the Act.[28]

As stated in the Commission's previous order approving Listing Rule IM–5900–7, section 6(b)(5) of the Act[29] does not require that all issuers be treated the same; rather, the Act requires that the rules of an exchange not unfairly discriminate between issuers.[30] The Commission has previously found that it is reasonable for Nasdaq to provide different services to tiers based on market capitalization since larger capitalized companies generally will need and use more services.[31] In addition, describing the services available to listing companies and their associated values, as well as the length of time companies are entitled to receive such services, in the Exchange's rules will ensure that individual listed companies are not given specially negotiated packages or services to list or remain listed that would raise unfair discrimination issues under section 6(b)(5) of the Act.[32] The Commission also previously found that the package of complimentary services offered to Eligible Switches is equitably allocated among issuers consistent with section 6(b)(4) of the Act and that describing the values of the services adds greater transparency to the Exchange's rules and to the fees applicable to such rules.[33] Further, Nasdaq states it is not unfairly discriminatory to offer different services based on a company's market capitalization given that larger companies generally will need more and different Market Advisory Tools, and that those issuers will likely bring

[17] *See id.*

[18] *See id.*

[19] *See* Securities Exchange Act Release No. 90729 (December 18, 2020), 85 FR 84434 (December 28, 2020) (SR–NASDAQ–2020–060) (adding a definition of Eligible Switch that includes any company that (i) switched its listing from NYSE to list on Nasdaq under IM–5101–2 after the company publicly announced that it entered into a binding agreement for a business combination; and (ii) subsequently satisfies the conditions in IM–5101–2(b) and lists on the Nasdaq Global or Global Select Markets, by meeting all listing requirements of one of these market tiers, in conjunction with that business combination).

[20] 15 U.S.C. 78f. 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).

[21] 15 U.S.C. 78f(b)(4) and (5).

[22] 15 U.S.C. 78f(b)(8).

[23] *See* Notice, *supra* note 3, at 87916. Nasdaq also states that all similarly situated companies are eligible for the same package of services. *See id.*

[24] *See id.* at 87915–16. Nasdaq represents that Stock Surveillance, Global Targeting, and Annual Perception Study have a retail value of approximately $56,500, $48,000, and $45,000 per year, respectively. Nasdaq states that, in describing the value of the services in the rule text, it presumed that a company would use Stock Surveillance and Global Targeting, where there is the choice of two services; and that a company would use the Stock Surveillance, where there is the choice of one service. *See id.* at 87916 n.11.

[25] *See id.* at 87916.

[26] *See id.* at 87915–16.

[27] 15 U.S.C. 78f(b)(5).

[28] 15 U.S.C. 78f(b)(8).

[29] 15 U.S.C. 78f(b)(5).

[30] *See* Securities Exchange Act Release No. 65963 (December 15, 2011), 76 FR 79262, 79266 (December 21, 2011) (approving SR–NASDAQ–2011–122) (''2011 Approval Order''). The Commission concluded in the 2011 Approval Order that ''Nasdaq has provided a sufficient basis for its different treatment of Eligible Switches and that this portion of Nasdaq's proposal meets the requirements of the Act in that it reflects competition between exchanges, with Nasdaq offering discounts for transfers of listings from a competing exchange.'' *Id. See also* 2023 Order, *supra* note 7; 2021 Order, *supra* note 7; Securities Exchange Act Release No. 79366 (November 21, 2016), 81 FR 85663, 85665 (November 28, 2016) (approving SR–NASDAQ–2016–106) (''2016 Approval Order'').

[31] *See* 2011 Approval Order, *supra* note 30, at 79266.

[32] *See also* 2016 Approval Order, *supra* note 30, at 85665; 2011 Approval Order, *supra* note 30, at 79266.

[33] *See* 2016 Approval Order, *supra* note 30, at 85665; 2011 Approval Order, *supra* note 30, at 79266.

greater future value to Nasdaq than will other issuers with lower market capitalizations by switching to its market.[34] Based on the foregoing, the Commission finds that the proposal to modify the packages of complimentary services offered to Eligible Switches with a market capitalization of $750 million or more that list on or after the effective date of this proposed rule change does not unfairly discriminate among issuers and therefore is consistent with section 6(b)(5) of the Act.[35] For similar reasons, the Commission finds that, with the proposed changes to the provision of Market Advisory Tools, the packages of complimentary services are equitably allocated among issuers consistent with section 6(b)(4) of the Act.[36]

The Commission also finds that it is consistent with the Act for Nasdaq to modify the definition of an Eligible Switch in Listing Rule IM–5900–7(a)(2) to include companies switching their listing not only from the NYSE, as currently provided, but also from any other national securities exchange. In Nasdaq's 2011 proposal to limit Eligible Switches only to companies switching their listing from the NYSE, Nasdaq stated that those listings would bring greater future value to Nasdaq.[37] In the instant filing, Nasdaq states that expanding the definition of Eligible Switch to including listings from any national securities exchange is designed to increase competition with other national securities exchanges.[38] The Commission finds that this aspect of the proposed change also does not unfairly discriminate among issuers and reflects the current competitive environment for exchange listings among national securities exchanges and is therefore consistent with sections 6(b)(5) and 6(b)(8) of the Act.[39] For similar reasons, the Commission finds that expanding the definition of ''Eligible Switch'' as proposed would allow complimentary services packages to remain equitably allocated among issuers consistent with section 6(b)(4) of the Act.[40]

IV. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[41] that the proposed rule change (SR–NASDAQ–2024–059) be, and hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[42]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02150 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[OMB Control No. 3235–0787]

Proposed Collection; Comment Request; Extension: Generic Clearance for Feedback to the SEC's Office of the Advocate for Small Business Capital Formation

Upon Written Request Copies Available From: U.S. Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') is soliciting comments on the collection of information summarized below. The Commission plans to submit this existing collection of information to the Office of Management and Budget for extension and approval.

The Commission's Office of the Advocate for Small Business Capital Formation (''Office'' or ''OASB'') seeks to collect feedback from small businesses and their investors to understand better the population that it is serving and their role in the small business ecosystem. The proposed collection of information will help ensure that the Office's outreach efforts and communication materials and other program initiatives are effective and responsive to customer needs. More specifically, the Office will seek the following four categories of information: (i) Demographic information about program participants, (ii) feedback on the Office's outreach and educational materials, (iii) capital formation-related questions, and (iv) issues and challenges faced by small businesses and their investors. This feedback will allow the Office to tailor its outreach efforts and communication materials to serve its customers more effectively. Collecting feedback will also allow the Office to understand better its target audience and improve outreach events and educational materials by optimizing their content and delivery, while strategizing how best to deploy the Office's resources to address issues and challenges faced by its customers.

Feedback collected under this generic clearance will provide useful information, but it will not yield data that can be generalized to the overall population. This type of generic clearance for information will not be used for quantitative information collections that are designed to yield reliably actionable results, such as monitoring trends over time or documenting program performance.

These are the estimates for the next three years for the expected annual number of (i) activities: 30; (ii) respondents: 10,000; (iii) responses: 10,000; (iv) frequency of response: once per request; (v) average minutes per response: 5; and (vi) burden hours: 833.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Office, including whether the information shall have practical utility; (b) the accuracy of the estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within 60 days of this publication by April 7, 2025.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549 or send an email to: *PRA_Mailbox@sec.gov*.

Dated: January 29, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02164 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

[34] *See* Notice, *supra* note 3, at 87916.

[35] 15 U.S.C. 78f(b)(5).

[36] 15 U.S.C. 78f(b)(4).

[37] *See* 2011 Approval Order, *supra* note 30, at 79265.

[38] *See* Notice, *supra* note 3, at 87917.

[39] 15 U.S.C. 78f(b)(5) and (8).

[40] 15 U.S.C. 78f(b)(4).

[41] 15 U.S.C. 78s(b)(2).

[42] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–440, OMB Control No. 3235–0496]

Proposed Collection; Comment Request; Extension: Appendix F to Rule 15c3–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (''PRA''), the Securities and Exchange Commission (''Commission'') is soliciting comments on the existing collection of information provided for in Appendix F to Rule 15c3–1 (''Appendix F'' or ''Rule 15c3–1f'') (17 CFR 240.15c3–1f) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act''). The Commission plans to submit this existing collection of information to the Office of Management and Budget (''OMB'') for extension and approval.

Appendix F applies to certain members of a class of broker-dealers known as over-the-counter (''OTC'') derivatives dealers. Exchange Act Rule 15c3–1 is the Commission's net capital rule for broker-dealers.[1] Under Appendix F, an OTC derivatives dealer that is not a security-based swap dealer may apply to the Commission for authorization to compute net capital charges for market and credit risk in accordance with Appendix F in lieu of computing securities haircuts under paragraph (c)(2)(vi) of Exchange Act Rule 15c3–1.[2]

At present, two OTC derivatives dealers have been approved to use Appendix F. No additional OTC derivatives dealers have applied to use Appendix F, and the staff does not expect that any additional OTC derivatives dealers will apply to use Appendix F during the next three years. The Commission estimates that the two approved OTC derivatives dealers will spend an average of approximately 1,000 hours each per year reporting information concerning their value-at-risk (''VAR'') models and internal risk management systems, for a total annual burden of approximately 2,000 hours.

[1] 17 CFR 240.15c3–1. An OTC derivatives dealer that is also registered as a security-based swap dealer is subject to the net capital provisions of Exchange Act Rule 18a–1 (17 CFR 240.18a–1).

[2] An OTC derivatives dealer that is also registered as a security-based swap dealer may apply to the Commission for authorization to compute deductions for market and credit risk using models under paragraph (d) of Rule 18a–1.

Written comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's estimates of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted April 7, 2025.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

Please direct your written comments to: Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Tanya Ruttenberg, 100 F Street NE, Washington, DC 20549, or send an email to: *PRA_Mailbox@sec.gov.*

Dated: January 29, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02165 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35462; 812–15676]

The RBB Fund Trust and First Eagle Investment Management, LLC

January 29, 2025.

AGENCY: Securities and Exchange Commission (''Commission'' or ''SEC'').

ACTION: Notice.

Notice of an application under section 6(c) of the Investment Company Act of 1940 (''Act'') for an exemption from section 15(a) of the Act, as well as from certain disclosure requirements in rule 20a–1 under the Act, Item 19(a)(3) of Form N–1A, Items 22(c)(1)(ii), 22(c)(1)(iii), 22(c)(8) and 22(c)(9) of Schedule 14A under the Securities Exchange Act of 1934, and sections 6–07(2)(a), (b), and (c) of Regulation S–X (''Disclosure Requirements'').

SUMMARY OF APPLICATION: The requested exemption would permit Applicants to enter into and materially amend subadvisory agreements with subadvisers without shareholder approval and would grant relief from the Disclosure Requirements as they relate to fees paid to the subadvisers.

APPLICANTS: The RBB Fund Trust and First Eagle Investment Management, LLC

FILING DATES: The application was filed on December 19, 2024.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the SEC's Secretary at *Secretarys-Office@sec.gov* and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on February 24, 2025, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Jillian L. Bosmann, Esq., Faegre Drinker Biddle & Reath LLP, *jillian.bosmann@faegredrinker.com,* with a copy to Sheelyn Michael, First Eagle Investment Management, LLC, *sheelyn.michael@firsteagle.com.*

FOR FURTHER INFORMATION CONTACT: Trace W. Rakestraw, Senior Special Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: For Applicants' representations, legal analysis, and conditions, please refer to Applicants' application, dated December 19, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/companysearch.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02155 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–102309; File No. SR–NASDAQ–2025–006]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Update Certain Representations Relating to Service Providers and Basket Size of the Hashdex Nasdaq Crypto Index US ETF

January 29, 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 16, 2025, The Nasdaq Stock Market 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 update certain representations regarding service providers and basket size made in the proposed rule change previously filed with and approved by the Commission relating to the Hashdex Nasdaq Crypto Index US ETF (''Trust'') under Nasdaq Rule 5711(d).[3]

The proposed rule change, including the Exchange's statement of the purpose of, and statutory basis for, the proposed rule change, is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rulefilings* and on the Commission's website at *https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-2025-006.*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 101218 (Sept. 30, 2024), 89 FR 80970 (Oct. 4, 2024) (SR–NASDAQ–2024–028) (''Amendment No. 1'').

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[4] and Rule 19b–4(f)(6)[5] 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[6] and Rule 19b–4(f)(6)[7] thereunder.

A proposed rule change filed under Rule 19b–4(f)(6)[8] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[9] the Commission may designate a shorter time if such action is consistent with protection of investors and the public interest. The Exchange has asked the Commission to waive the 30-day operative delay so that the proposed rule change may become operative immediately upon filing. The Commission believes that waiving the 30-day operative delay is consistent with the protection of investors and the public interest because it will allow the Exchange to immediately reflect changes to the Trust's service providers that are consistent with the Trust's registration statement and to increase the Trust's basket size, and does not introduce any novel regulatory issues. All other representations made in Amendment No. 1 remain unchanged and will continue to constitute continued listing requirements for the Trust, and the Exchange states that the Trust will continue to comply with the terms of Amendment No. 1 and the requirements in Nasdaq Rule 5711(d). Accordingly, the Commission designates the proposed rule change to be operative upon filing.[10]

[4] 15 U.S.C. 78(b)(3)(A).

[5] 17 CFR 240.19b–4(f)(6).

[6] 15 U.S.C. 78s(b)(3)(A).

[7] 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.

[8] 17 CFR 240.19b–4(f)(6).

[9] 17 CFR 240.19b–4(f)(6)(iii).

[10] 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).

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.[11] Comments may be submitted electronically by using the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-2025-006*) or by sending an email to *rule-comments@sec.gov*. Please include file number SR–NASDAQ–2025–006 on the subject line. Alternatively, paper comments may be sent to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090. All submissions should refer to file number SR–NASDAQ–2025–006. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking/national-securities-exchanges?file_number=SR-NASDAQ-2025-006*). Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NASDAQ–2025–006 and should be

[11] 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.

submitted on or before February 25, 2025.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[12]

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02151 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–330, OMB Control No. 3235–0372]

Submission for OMB Review; Comment Request; Extension: Municipal Securities Disclosure (Exchange Act Rule 15c2–12)

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the previously approved collection of information provided for in Rule 15c2–12—Municipal Securities Disclosure (17 CFR 240.15c2–12) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*) (''Exchange Act'').

In connection with offerings of municipal securities, paragraph (b) of Rule 15c2–12 [1] requires Participating Underwriters: [2] (1) to obtain and review an official statement ''deemed final'' by an issuer of the securities, except for the omission of specified information, prior to making a bid, purchase, offer, or sale of municipal securities; [3] (2) in non-competitively bid offerings, to send, upon request, a copy of the most recent preliminary official statement (if one exists) to potential customers; [4] (3) to contract with the issuer to receive, within a specified time, sufficient copies of the final official statement to comply with Rule 15c2–12's delivery requirement and the rules of the Municipal Securities Rulemaking Board (''MSRB''); [5] (4) to send, upon request, a copy of the final official statement to potential customers for a specified period of time; [6] and (5) before purchasing or selling municipal securities in connection with an offering, to reasonably determine that the issuer or the obligated person has undertaken, in a written agreement or contract, for the benefit of holders of such municipal securities, to provide certain information on a continuing basis to the MSRB in an electronic format as prescribed by the MSRB.[7] The information to be provided consists of: (1) certain annual financial and operating information and audited financial statements (''annual filings''); [8] (2) notices of the occurrence of any of certain specific events (''event notices''); [9] and (3) notices of the failure of an issuer or obligated person to make a submission required by a continuing disclosure agreement (''failure to file notices'').[10] Annual filings, event notices, and failure to file notices may be collectively referred to as ''continuing disclosure documents.''

Rule 15c2–12 is intended to enhance disclosure, and thereby reduce fraud, in the municipal securities market by establishing standards for obtaining, reviewing, and disseminating information about municipal securities by their underwriters.[11]

Municipal offerings of less than $1 million are exempt from the rule,[12] as are offerings of municipal securities issued in large denominations that (i) are sold to no more than 35 sophisticated investors (''limited offering exemption''), or (ii) have short-term maturities.[13]

The required **Federal Register** notice with a 60-day comment period soliciting comments on this collection of information was published.[14] The Commission received four comment letters in response to this comment solicitation.[15] Although Commission staff appreciates the information received from these four commenters, it is the view of staff that the estimates contained in the **Federal Register** notice remain valid and the staff has not made any changes to the Commission's burden estimates based on these comments. As discussed more fully in the Supporting Statement,[16] it is the view of Commission staff that the comments received either: (i) addressed the information collection burden generally but did not provide any quantified alternative estimate or specific supporting data related to the burden; (ii) included recommendations that were previously considered and addressed by the Commission during rulemaking for the 2018 Amendments, and the commenter provided no rationale as to why the Commission should change the conclusions it had previously reached; or (iii) included suggested changes to the Rule itself that would need to be effected pursuant to a Commission rulemaking and are therefore beyond the scope of the PRA analysis.

Nonetheless, as discussed more fully in the Supporting Statement,[17] Commission staff has determined to take under advisement many of the comments received and will further study whether they should be applied in future PRA analyses and/or merit potential guidance or rulemaking activities related to Rule 15c2–12.[18] Among other things, staff will take under advisement comments suggesting that the Commission should: (i) more effectively survey market participants to obtain PRA burden estimates; (ii)

[12] 17 CFR 200.30–3(a)(12) and (59).

[1] 17 CFR 240.15c2–12(b).

[2] The term ''Participating Underwriter'' means any broker, dealer, or municipal securities dealer that acts as an underwriter in connection with an ''Offering,'' *i.e.,* a primary offering of municipal securities with an aggregate principal amount of $1,000,000 or more. 17 CFR 240.15c2–12(a) (defining ''Participating Underwriter'' and ''Offering'').

[3] 17 CFR 240.15c2–12(b)(1).

[4] 17 CFR 240.15c2–12(b)(2).

[5] 17 CFR 240.15c2–12(b)(3).

[6] 17 CFR 240.15c2–12(b)(4).

[7] 17 CFR 240.15c2–12(b)(5)(i).

[8] 17 CFR 240.15c2–12(b)(5)(i)(A)–(B).

[9] 17 CFR 240.15c2–12(b)(5)(i)(C).

[10] 17 CFR 240.15c2–12(b)(5)(i)(D).

[11] *See generally Municipal Securities Disclosure,* Exchange Act Release No. 26985 (June 28, 1989), 54 FR 28799 (July 10, 1989); *Municipal Securities Disclosure,* Exchange Act Release No. 34961 (November 10, 1994), 59 FR 59590 (November 17, 1994); *Amendment to Municipal Securities Disclosure,* Exchange Act Release No. 59062 (December 5, 2008), 73 FR 76104 (December 15, 2008); *Amendments to Municipal Securities Disclosure,* Exchange Act Release No. 62184A (May 26, 2010), 75 FR 33100 (June 10, 2010); *Amendments to Municipal Securities Disclosure,* Exchange Act Release No. 83885 (August 20, 2018), 83 FR 44700 (August 31, 2018).

[12] 17 CFR 240.15c2–12(a).

[13] 17 CFR 240.15c2–12(d)(1).

[14] See *Proposed Collection; Comment Request; Extension: Municipal Securities Disclosure (Exchange Act Rule 15c2–12),* 89 FR 88843 (November 8, 2024).

[15] Letters from Richard Li (''Li Letter''), January 6, 2025 (personally identifiable information redacted by Commission staff); Emily S. Brock, Director, Federal Liaison Center, Government Finance Officers Association (''GFOA Letter''), January 7, 2025; M. Jason Akers, President, National Association of Bond Lawyers (''NABL Letter''), January 7, 2025; Leslie M. Norwood, Managing Director and Associate General Counsel, and Gerald O'Hara, Vice President and Assistant General Counsel, Securities Industry and Financial Markets Association (''SIFMA Letter''), January 7, 2025. In addition, Commission staff discussed the 60-day notice, among other things, during a video conference with representatives of Digital Assurance Certification, LLC (''DAC Bond''). *See* Memorandum from the Office of Municipal Securities regarding a November 12, 2024 meeting with representatives of DAC Bond.

[16] *See* PRA Supporting Statement for Rule 15c2–12, Section 8, available at *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202410-3235-009.*

[17] *See id.*

[18] Commission staff does not commit to take any course of action following further study of these comments.

analyze the burdens that Rule 15c2–12 imposes on broker-dealers by offering type (negotiated offering, competitive offering, or private placement), and by the number of underwriters involved in the transaction; (iii) analyze the burdens that compliance with the limited offering exemption imposes on broker-dealers; (iv) update or amend existing guidance on Rule 15c2–12; and (v) update or amend Rule 15c2–12 itself (*e.g.,* by removing the ''rating change'' event notice).

With respect to hour burdens, the Commission estimates that approximately 28,000 issuers, 205 broker-dealers, and the MSRB will spend a total of 786,220 hours per year complying with Rule 15c2–12 over the next three years.[19] Rule 15c2–12 indirectly imposes ongoing third-party disclosure burdens on issuers that determine to engage a broker-dealer to act as a Participating Underwriter in an offering of municipal securities. The Commission estimates that the total annual burden on issuers to comply with Rule 15c2–12 is 662,766 hours.[20] Based on public MSRB data, issuers annually submitted an average of approximately 65,082 annual filings to the MSRB over the past three years. The Commission estimates that an issuer will require approximately seven hours to prepare and submit each annual filing to the MSRB. Therefore, the Commission estimates that the total annual burden on issuers to prepare and submit 65,082 annual filings to the MSRB is 455,574 hours.[21] Based on public MSRB data, issuers annually submitted an average of approximately 49,958 event notices to the MSRB over the past three years. The Commission estimates that an issuer will require approximately four hours to prepare and submit each event notice to the MSRB. Therefore, the Commission estimates that the total annual burden on issuers to prepare and submit 49,958 event notices to the MSRB is 199,832 hours.[22] Based on public MSRB data, issuers annually submitted an average of approximately 3,680 failure to file notices to the MSRB over the past three years. The Commission estimates that an issuer will require approximately two hours to prepare and submit failure to file notices to the MSRB. Therefore, the total annual burden on issuers to prepare and submit 3,680 failure to file notices to the MSRB is estimated to be 7,360 hours.[23]

Rule 15c2–12 imposes ongoing third-party disclosure burdens on broker-dealers that act as Participating Underwriters in offerings of municipal securities. The Commission estimates that the total annual burden on broker-dealers to comply with Rule 15c2–12 is 101,454 hours.[24] Based on public MSRB data, the Commission estimates that an average of 10,968 offerings of municipal securities occurred annually over the past three years. Further, based on estimates provided by the MSRB, the Commission estimates that, over the past three years, an average of 205 broker-dealers served as a Participating Underwriter in municipal securities offerings. Accordingly, the Commission estimates that approximately 205 broker-dealers could serve as a Participating Underwriter in 10,968 municipal securities offerings in each of the next three years. The Commission estimates that broker-dealers will incur a 15 minute (0.25 hour) burden per issuance of municipal securities to reasonably determine that the issuer or obligated person has undertaken, in a written agreement or contract, for the benefit of holders of municipal securities, to provide continuing disclosure documents to the MSRB,[25] resulting in an annual burden on all broker-dealers of approximately 2,742 hours.[26] The Commission further estimates that broker-dealers will incur 9 hours of burden per issuance of municipal securities to determine whether issuers or obligated persons have failed to comply, in all material respects, with any previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of Rule 15c2–12, resulting in an annual burden on broker-dealers of 98,712 hours.[27]

Finally, Rule 15c2–12 imposes ongoing recordkeeping burdens on the MSRB. The Commission estimates that the total annual burden on the MSRB to comply with Rule 15c2–12 is 22,000 hours. Based on estimates provided by the MSRB, the Commission estimates that, over the last three years, the MSRB has incurred an annual burden of approximately 22,000 hours to collect, index, store, retrieve, and make available the pertinent continuing disclosure documents under Rule 15c2–12. Accordingly, the Commission estimates that the MSRB will incur an annual burden of 22,000 hours to collect, index, store, retrieve and make available the pertinent documents under Rule 15c2–12 each year over the next three years.

With respect to cost burdens, the Commission estimates that 18,200 issuers and the MSRB will spend a total of $20,492,000 complying with Rule 15c2–12 over the next three years.[28] The Commission estimates that, over the next three years, up to 65% of issuers subject to continuing disclosure agreements—approximately 18,200 issuers—may use the services of designated agents to submit some or all of their continuing disclosure documents to the MSRB. The Commission estimates that the average annual cost for an issuer's use of a designated agent is $970 each year. Therefore, the Commission estimates that the average total annual cost that may be incurred by issuers that use the services of a designated agent will be $17,654,000.[29] In addition, the

[19] 662,766 hours (estimated total annual burden on issuers) + 101,454 hours (estimated total annual burden on broker-dealers) + 22,000 hours (estimated total annual burden on the MSRB) = 786,220 hours.

[20] 65,082 (estimated average number of annual filings submitted by issuers annually in each of the next three years) × 7 (estimated average number of hours needed to prepare and submit each) = 455,574 hours. 49,958 (estimated average number of event notices submitted by issuers annually in each of the next three years) × 4 (estimated average number of hours needed to prepare and submit each) = 199,832 hours. 3,680 (estimated average number of failure to file notices submitted by issuers annually in each of the next three years) × 2 (estimated average number of hours needed to prepare and submit each) = 7,360 hours. 455,574 hours + 199,832 hours + 7,360 hours = 662,766 hours.

[21] *See supra* note 20.

[22] *See supra* note 20.

[23] *See supra* note 20.

[24] 10,968 (estimated annual issuances) × 0.25 (hourly burden for broker-dealers to reasonably determine that the issuer or obligated person has undertaken, in a written agreement or contract, for the benefit of holders of such municipal securities, to provide continuing disclosure documents to the MSRB) = 2,742 hours. 10,968 (estimated annual issuances) × 9 (average burden estimate per issuance for broker-dealers to determine whether issuers or obligated persons have failed to comply, in all material respects, with any previous undertakings in a written contract or agreement specified in paragraph (b)(5)(i) of the Rule) = 98,712 hours. 2,742 hours + 98,712 hours = 101,454 hours.

[25] The Commission understands that most continuing disclosure agreements are provided to the broker-dealer by the issuer or obligated person and that most of these agreements are standard form agreements of limited length. Further, the Commission believes that the determination required to be made—that the issuer or obligated person has undertaken to provide continuing disclosure documents to the MSRB—is a narrow one that does not require a substantial time commitment from the broker-dealer. For these reasons, the Commission believes the estimate of a 15 minute burden per issuance is appropriate.

[26] *See supra* note 24.

[27] *See supra* note 24.

[28] $19,254,000 (estimated total annual cost burden for issuers) + $1,238,000 (estimated total annual cost burden for the MSRB) = $20,492,000.

[29] 28,000 (number of issuers subject to continuing disclosure agreements) × 0.65 (percentage of issuers that may use designated agents) = 18,200 issuers that may use designated agents. 18,200 × $970 (estimated average annual cost for issuer's use of designated agent under Rule 15c2–12) = $17,654,000.

Commission estimates that issuers will retain outside counsel to assist with filing approximately 1,000 event notices in each of the next three years. The Commission further believes that, for those 1,000 complex event notices in which issuers and obligated persons seek assistance from outside counsel, one-half of the burden of preparation of the event notices will be carried by issuers internally (four hours), and the other half of the burden will be carried by outside professionals retained by the issuer (four hours). The Commission further estimates that the average hourly cost for an issuer's use of outside counsel is $400 per hour. Therefore, the Commission estimates the average total annual cost incurred by issuers to retain outside counsel to assist in the evaluation and preparation of certain event notices will be $1,600,000.[30] Thus, the total estimated cost to issuers to comply with the rule is $19,254,000.[31]

Finally, based on recently obtained data provided by the MSRB, the Commission estimates that the MSRB will incur total annual costs of approximately $1,238,000 to operate the continuing disclosure service for the MSRB's Electronic Municipal Market Access (''EMMA'') system, including hardware, software, and external third-party costs such as cloud service provider costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view and comment on this information collection request at: *https://www.reginfo.gov/public/do/PRAViewICR?ref_nbr=202410-3235-009* or send an email comment to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov* within 30 days of the day after publication of this notice by March 7, 2025.

[30] 1,000 (estimated number of event notices requiring outside counsel) × 4 (estimated number of hours for outside attorney to assist in the preparation of such event notice) × $400 (hourly wage for an outside attorney) = $1,600,000. The Commission recognizes that the costs of retaining outside professionals may vary depending on the nature of the professional services, but for purposes of this PRA analysis we estimate that costs of outside counsel would be an average of $400 per hour.

[31] $17,654,000 (estimated annual cost for issuer's use of designated agent to submit filings) + $1,600,000 (estimated annual cost for issuers to employ outside counsel in the examination, preparation, and filing of certain event notices) = $19,254,000.

Dated: January 29, 2025.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2025–02163 Filed 2–3–25; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 12646]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''What Drawing Can Be: Four Responses'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''What drawing can be: four responses'' at the Menil Drawing Institute, The Menil Collection, Houston, Texas, 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. 2025–02200 Filed 2–3–25; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice: 12647]

Notice of Determinations; Culturally Significant Objects Being Imported for Exhibition—Determinations: ''Rosa Barba: The Ocean of One's Pause'' Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that certain objects being imported from abroad pursuant to an agreement with their foreign owner or custodian for temporary display in the exhibition ''Rosa Barba: The Ocean of One's Pause'' at The Museum of Modern 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. 2025–02199 Filed 2–3–25; 8:45 am]

BILLING CODE 4710–05–P

U.S.-CHINA ECONOMIC AND SECURITY REVIEW COMMISSION

Notice of Open Public Hearing

AGENCY: U.S.-China Economic and Security Review Commission.

ACTION: Notice of open public hearing.

SUMMARY: Notice is hereby given of the following hearing of the U.S.-China Economic and Security Review Commission. The Commission is mandated by Congress to investigate, assess, and report to Congress annually on ''the national security implications of the economic relationship between the United States and the People's Republic of China.'' Pursuant to this mandate, the Commission will hold a public hearing in Washington, DC on February 20, 2025 on ''An Axis of Autocracy? China's Relations with Russia, Iran, and North Korea.''

DATES: The hearing is scheduled for Thursday, February 20, 2025 at 9 a.m.

ADDRESSES: Members of the public will be able to attend in person at or near the U.S. Capitol and adjacent Congressional office buildings (specific building and room number to be announced) or view a live webcast via the Commission's website at *www.uscc.gov. Visit the Commission's website for updates to the hearing location or possible changes to the hearing schedule. Reservations are not required to view the hearing online or in person.*

FOR FURTHER INFORMATION CONTACT: Any member of the public seeking further information concerning the hearing should contact Jameson Cunningham, 444 North Capitol Street NW, Suite 602, Washington, DC 20001; telephone: 202–624–1496, or via email at *jcunningham@uscc.gov. Reservations are not required to attend the hearing.*

ADA Accessibility: For questions about the accessibility of the event or to request an accommodation, please contact Jameson Cunningham via email at *jcunningham@uscc.gov.* Requests for an accommodation should be made as soon as possible, and at least five business days prior to the event.

SUPPLEMENTARY INFORMATION:

Background: This is the second public hearing the Commission will hold during its 2025 reporting cycle. The hearing will begin with an assessment of how to characterize China's strategic cooperation and coordination with Russia, Iran, and North Korea. Next, it will examine China's economic and trade relations with these countries, as well as its role in sanctions evasion and circumvention of U.S. and international export control regimes. Finally, it will consider the security and technology cooperation between these autocratic countries and their challenges to global security.

The hearing will be co-chaired by Commissioner Aaron Friedberg and Commissioner Jonathan Stivers. Any interested party may file a written statement by February 20, 2025 by transmitting it to the contact above. A portion of the hearing will include a question and answer period between the Commissioners and the witnesses.

Authority: Congress created the U.S.-China Economic and Security Review Commission in 2000 in the National Defense Authorization Act (Pub. L. 106–398), as amended by Division P of the Consolidated Appropriations Resolution, 2003 (Pub. L. 108–7), as amended by Public Law 109–108 (November 22, 2005), as amended by Public Law 113–291 (December 19, 2014).

Dated: January 30, 2025.

Christopher Fioravante,

Deputy Executive Director, U.S.-China Economic and Security Review Commission.

[FR Doc. 2025–02205 Filed 2–3–25; 8:45 am]

BILLING CODE 1137–00–P

FEDERAL REGISTER

Vol. 90 Tuesday,

No. 22 February 4, 2025

Part II

United States Sentencing Commission

Sentencing Guidelines for United States Courts; Notice

UNITED STATES SENTENCING COMMISSION

Sentencing Guidelines for United States Courts

AGENCY: United States Sentencing Commission.

ACTION: Notice and request for public comment and hearing.

SUMMARY: The United States Sentencing Commission is considering promulgating amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth the proposed amendments and, for each proposed amendment, a synopsis of the issues addressed by that proposed amendment. This notice also sets forth several issues for comment, some of which are set forth together with the proposed amendments, and one of which (regarding retroactive application of proposed amendments) is set forth in the **SUPPLEMENTARY INFORMATION** section of this notice.

DATES:

Written Public Comment. Written public comment regarding the proposed amendments and issues for comment set forth in this notice, including public comment regarding retroactive application of any of the proposed amendments, should be received by the Commission not later than March 3, 2025. Written reply comments, which may only respond to issues raised during the original comment period, should be received by the Commission not later than March 18, 2025. Public comment regarding a proposed amendment received after the close of the comment period, and reply comment received on issues not raised during the original comment period, may not be considered.

Public Hearing. The Commission may hold a public hearing regarding the proposed amendments and issues for comment set forth in this notice. Further information regarding any public hearing that may be scheduled, including requirements for testifying and providing written testimony, as well as the date, time, location, and scope of the hearing, will be provided by the Commission on its website at *www.ussc.gov.*

ADDRESSES: There are two methods for submitting public comment.

Electronic Submission of Comments. Comments may be submitted electronically via the Commission's Public Comment Submission Portal at *https://comment.ussc.gov.* Follow the online instructions for submitting comments.

Submission of Comments by Mail. Comments may be submitted by mail to the following address: United States Sentencing Commission, One Columbus Circle NE, Suite 2–500, Washington, DC 20002–8002, Attention: Public Affairs—Proposed Amendments.

FOR FURTHER INFORMATION CONTACT: Jennifer Dukes, Senior Public Affairs Specialist, (202) 502–4597.

SUPPLEMENTARY INFORMATION: The United States Sentencing Commission is an independent agency in the judicial branch of the United States Government. The Commission promulgates sentencing guidelines and policy statements for federal courts pursuant to 28 U.S.C. 994(a). The Commission also periodically reviews and revises previously promulgated guidelines pursuant to 28 U.S.C. 994(o) and submits guideline amendments to the Congress not later than the first day of May each year pursuant to 28 U.S.C. 994(p).

Publication of a proposed amendment requires the affirmative vote of at least three voting members of the Commission and is deemed to be a request for public comment on the proposed amendment. *See* USSC Rules of Practice and Procedure 2.2, 4.4. In contrast, the affirmative vote of at least four voting members is required to promulgate an amendment and submit it to Congress. *See id.* 2.2; 28 U.S.C. 994(p).

The Commission published a notice of proposed amendments in the **Federal Register** on January 2, 2025 (*see* 90 FR 128). Those proposed amendments have a public comment period ending on February 3, 2025, and a reply comment period ending on February 18, 2025. The Commission is now considering promulgating additional amendments to the sentencing guidelines, policy statements, and commentary. This notice sets forth those proposed amendments.

The proposed amendments in this notice are presented in one of two formats. First, some of the amendments are proposed as specific revisions to a guideline, policy statement, or commentary. Bracketed text within a proposed amendment indicates a heightened interest on the Commission's part in comment and suggestions regarding alternative policy choices; for example, a proposed enhancement of [2][4][6] levels indicates that the Commission is considering, and invites comment on, alternative policy choices regarding the appropriate level of enhancement. Similarly, bracketed text within a specific offense characteristic or application note means that the Commission specifically invites comment on whether the proposed provision is appropriate. Second, the Commission has highlighted certain issues for comment and invites suggestions on how the Commission should respond to those issues.

In summary, the proposed amendments and issues for comment set forth in this notice are as follows:

(1) A two-part proposed amendment relating to supervised release, including (A) amendments to Chapter Five, Part D (Supervised Release) to provide courts greater discretion to impose a term of supervised release in the manner it determines is most appropriate based on an individualized assessment of the defendant and to ensure the provisions in this Chapter fulfill rehabilitative ends, distinct from those of incarceration, and related issues for comment; and (B) amendments to Chapter Seven (Violations of Probation and Supervised Release) to provide courts greater discretion to respond to a violation of a condition of supervised release and to ensure the provisions in this Chapter reflect the differences between probation and supervised release, and related issues for comment.

(2) A multi-part proposed amendment relating to drug offenses, including (A) (i) three options for amending § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to set the highest base offense level in the Drug Quantity Table at subsection (c) at a lower base offense level, and related issues for comment; and (ii) two options for amending § 2D1.1 to add a new specific offense characteristic providing for a reduction relating to low-level trafficking functions, and related issues for comment; (B) (i) amendments to § 2D1.1 to address offenses involving ''Ice,'' and related issues for comment; and (ii) two options for amending § 2D1.1 to address the purity distinction between methamphetamine in ''actual'' form and methamphetamine as part of a mixture, and related issues for comment; (C) amendments to § 2D1.1 to revise the enhancement for misrepresentation of fentanyl and fentanyl analogue at subsection (b)(13), and related issues for comment; (D) amendments to § 2D1.1 to address the application of subsection (b)(1) to machineguns, and a related issue for comment; and (E) amendments to the Commentary to § 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases) to address the manner by which a defendant may satisfy § 5C1.2(a)(5)'s requirement of providing truthful information and

evidence to the Government, and a related issue for comment.

In addition, the Commission requests public comment regarding whether, pursuant to 18 U.S.C. 3582(c)(2) and 28 U.S.C. 994(u), any proposed amendment published in this notice should be included in subsection (d) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) as an amendment that may be applied retroactively to previously sentenced defendants. The Commission lists in § 1B1.10(d) the specific guideline amendments that the court may apply retroactively under 18 U.S.C. 3582(c)(2). The Background Commentary to § 1B1.10 lists the purpose of the amendment, the magnitude of the change in the guideline range made by the amendment, and the difficulty of applying the amendment retroactively to determine an amended guideline range under § 1B1.10(b) as among the factors the Commission considers in selecting the amendments included in § 1B1.10(d). To the extent practicable, public comment should address each of these factors.

The text of the proposed amendments and related issues for comment are set forth below. Additional information pertaining to the proposed amendments and issues for comment described in this notice may be accessed through the Commission's website at *www.ussc.gov.* In addition, as required by 5 U.S.C. 553(b)(4), plain-language summaries of the proposed amendments are available at *https://www.ussc.gov/guidelines/amendments/proposed-2025-amendments-federal-sentencing-guidelines-published-january-2025.*

Authority: 28 U.S.C. 994(a), (o), (p), (x); USSC Rules of Practice and Procedure 2.2, 4.3, 4.4.

Carlton W. Reeves,

Chair.

Proposed Amendments to the Sentencing Guidelines, Policy Statements, and Official Commentary

1. Supervised Release

Synopsis of Proposed Amendment: The Sentencing Reform Act of 1984 establishes a framework for courts to order supervised release to be served after a term of imprisonment. *See* 18 U.S.C. 3583. For certain offenses, the court is statutorily required to impose a term of supervised release. *See id.* This framework aims to ''assure that [those] who will need post-release supervision will receive it'' while ''prevent[ing] probation system resources from being wasted on supervisory services for releasees who do not need them.'' *See* S. Rep. No. 225, 98th Cong., 1st Sess. 54 (1983); *see also Johnson* v. *United States,* 529 U.S. 694, 701 (2000) (''Supervised release departed from the parole system it replaced by giving district courts the freedom to provide postrelease supervision for those, and only those, who needed it.'').

The length of the term of supervised release that a court may select depends on the class of the offense of conviction. The term may be not more than five years for a Class A or Class B felony, not more than three years for a Class C or Class D felony, and not more than one year for a Class E felony or a misdemeanor (other than a petty offense). *See* 18 U.S.C. 3583(b). There is an exception for certain sex offenses and terrorism offenses, for which the term of supervised release may be up to life. *See* 18 U.S.C. 3583(j) and (k).

If a court imposes a term of supervised release, the court must order certain conditions of supervised release, such as that the defendant not commit another crime or unlawfully possess a controlled substance during the term, and that the defendant make restitution. *See* 18 U.S.C. 3583(d). The court may order other discretionary conditions it considers appropriate, as long as the condition meets certain criteria. *See id.* In determining whether to impose a term of supervised release and the length of the term and conditions of supervised release, the court must consider certain 18 U.S.C. 3553 factors. *See* 18 U.S.C. 3583(c).

Courts are authorized, under certain conditions, to extend or terminate a term of supervised release, or modify, enlarge, or reduce the conditions thereof. *See* 18 U.S.C. 3583(f). Before doing so, the court must consider the 18 U.S.C. 3553 factors listed above. *See id.* For certain violations, courts are required to revoke supervised release. *See* 18 U.S.C. 3583(g).

The Sentencing Commission's policies regarding supervised release are included in Part D (Supervised Release) of Chapter Five (Determining the Sentence) and Part B (Probation and Supervised Release Violations) of Chapter Seven (Probation and Supervised Release Violations) of the *Guidelines Manual.* This proposed amendment contains two parts revising those policies:

Part A would amend Part D of Chapter Five, which addresses the imposition of a term of supervised release. Issues for comment are also provided.

Part B would amend Chapter Seven, which addresses the procedures for handling a violation of the terms of probation and supervised release. Issues for comment are also provided.

The Commission is considering whether to implement one or both parts, as they are not mutually exclusive.

(A) Imposition of a Term of Supervised Release

Synopsis of Proposed Amendment: Chapter Five, Part D (Supervised Release) of the *Guidelines Manual* covers supervised release, including the imposition decision itself, the length of a term of supervised release, and the conditions of supervised release.

Section 5D1.1 (Imposition of a Term of Supervised Release) governs the imposition of a term of supervised release. Under § 5D1.1(a), a court shall order a term of supervised release (1) when it is required by statute or (2) when a sentence of more than one year is imposed. In any other case, § 5D1.1(b) treats the decision to impose a term of supervised release as discretionary. The commentary to § 5D1.1 describes the factors to consider in determining whether to impose a term of supervised release: (1) certain 18 U.S.C. 3553 factors, which the court is statutorily required to consider (*see* 18 U.S.C. 3583(c)); (2) an individual's criminal history; (3) whether an individual is an abuser of controlled substances or alcohol; and (4) whether an offense involved domestic violence or stalking. USSG § 5D1.1 comment. (n.3).

Section 5D1.1(c) provides an exception to the rule in § 5D1.1(a), directing that ''[t]he court ordinarily should not impose a term of supervised release in a case in which supervised release is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.'' However, Application Note 5 directs that a court should consider imposing a term of supervised release if ''it would provide an added measure of deterrence and protection based on the facts and circumstances of a particular case.''

Section 5D1.2 (Term of Supervised Release) governs the length of a term of supervised release. First, § 5D1.2(a) sets forth the recommended terms of supervised release for each classification of offense: (1) two to five years for an individual convicted of a Class A or B felony; (2) one to three years for an individual convicted of a Class C or D felony; and (3) one year for an individual convicted of a Class E felony or a Class A misdemeanor. Second, for offenses involving terrorism or a sex offense, § 5D1.2(b) provides for a term of supervised release up to life, and a policy statement further directs that for a sex offense, as defined in Application Note 1, the statutory maximum term of supervised release is

recommended. Lastly, § 5D1.2(c) instructs that the term of supervised release shall not be less than any statutorily required term of supervised release.

The Commentary to § 5D1.2 provides further guidance for setting a term of supervised release. Application Note 4 directs that the factors to be considered in selecting the length of a term of supervised release are the same as those for determining whether to impose such a term. Application Note 5 states that courts have ''authority to terminate or extend a term of supervised release'' and encourages courts to ''exercise this authority in appropriate cases.''

Section 5D1.3 (Conditions of Supervised Release) sets forth the mandatory, ''standard,'' ''special,'' and additional conditions of supervised release. It provides a framework for courts to use when imposing the standard, special, and additional conditions—those considered ''discretionary.''

The Commission has received feedback from commenters that the guidelines should provide courts with greater discretion to make determinations regarding the imposition of supervised release that are based on an individualized assessment of the defendant. Additionally, a bipartisan coalition in Congress has sought to address similar concerns. *See, e.g.,* Safer Supervision Act of 2023, S.2681, 118th Cong. (2023) and H.R. 5005, 118th Cong. (1st Sess. 2023).

Part A of the proposed amendment seeks to revise Chapter Five, Part D to accomplish two goals. The first is to provide courts greater discretion to impose a term of supervised release in the manner it determines is most appropriate based on an individualized assessment of the defendant. The second is to ensure the provisions in Chapter Five ''fulfill[] rehabilitative ends, distinct from those of incarceration.'' *United States* v. *Johnson,* 529 U.S. 53, 59 (2000).

Part A of the proposed amendment would make a number of changes to the supervised release provisions in Chapters Five to serve these goals.

First, Part A of the proposed amendment would add introductory commentary to Part D of Chapter Five expressing the Commission's view that, when making determinations regarding supervised release, courts should assess a wide range of factors to ensure its decisions fulfill the rehabilitative needs of the defendant and protect the public from further crimes of the defendant.

Second, Part A of the proposed amendment would amend the provisions of § 5D1.1 addressing the imposition of a term of supervised release. It would remove the requirement that a court impose a term of supervised release when a sentence of imprisonment of more than one year is imposed, so a court would be required to impose supervised release only when required by statute. For cases in which the decision whether to impose supervised release is discretionary, the court may order a term of supervised release when warranted by an individualized assessment of the need for supervision. Additionally, the court should state the reason for its decision on the record.

Third, Part A of the proposed amendment would amend § 5D1.2, which addresses the length of the term of supervised release. The proposed amendment would remove the provisions requiring a minimum term of supervised release of two years for a Class A or B felony and one year for a Class C, D, or E felony or Class A misdemeanor. Instead, Part A of the proposed amendment would require the court to conduct an individualized assessment to determine the length of the term of supervised release, which must not exceed the maximum term allowed by statute. It would remove the policy statement recommending a supervised release term of life for sex offense cases and add a policy statement that the court should state on the record its reasons for selecting the length of the term of supervised release.

Fourth, Part A of the proposed amendment would amend § 5D1.3, which addresses the conditions of supervised release. It would add a provision stating that courts should conduct an individualized assessment to determine what discretionary conditions are warranted. It brackets the possibility of redesignating ''standard'' conditions as ''examples of common conditions'' and brackets either that such conditions may be warranted in some appropriate cases or may be modified, omitted, or expanded in appropriate cases. It would also add an example of a ''special'' condition that would require a defendant who has not obtained a high school or equivalent diploma to participate in a program to obtain such a diploma.

Finally, Part A of the proposed amendment would add a new policy statement at § 5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)) addressing a court's authority to extend or terminate a term of supervised release or modify the conditions thereof. It would encourage a court, as soon as practicable after a defendant's release from imprisonment, to conduct an individualized assessment to determine whether it is warranted to modify, reduce, or enlarge the conditions of supervised release. Additionally, any time after the expiration of one year of supervised release, it would encourage a court to terminate the remaining term of supervision and discharge the defendant if the court determines, following consultation with the government and the probation officer, that the termination is warranted by the conduct of the defendant and the interest of justice. Part A of the proposed amendment provides an option to list factors for a court to consider when determining whether to terminate supervised release. It would also provide that a court, any time before the expiration of a term of supervised release, may extend the term in a case in which the maximum term was not imposed.

Conforming changes are also made to § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)), the Commentary to § 4B1.5 (Repeat and Dangerous Sex Offenders Against Minors), § 5B1.3 (Conditions of Probation), § 5H1.3 (Mental and Emotional Conditions (Policy Statement)), and § 5H1.4 (Physical Condition, Including Drug or Alcohol Dependence or Abuse; Gambling Addiction (Policy Statement)).

Issues for comment are also provided.

Proposed Amendment

Chapter Five, Part D is amended by inserting at the beginning the following new Introductory Commentary:

''Introductory Commentary

The Sentencing Reform Act of 1984 requires the court to assess a wide range of factors 'in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release.' 18 U.S.C. 3583(c). These determinations aim to make the imposition and scope of supervised release 'dependent on the needs of the defendant for supervision.' *See* S. Rep. No. 225, 98th Cong., 1st Sess. 124 (1983). In conducting such an individualized assessment, the court can 'assure that [those] who will need post-release supervision will receive it' while 'prevent[ing] probation system resources from being wasted on supervisory services for releasees who do not need them.' *Id.* at 54; *see also Johnson* v. *United States,* 529 U.S. 694, 701 (2000) ('Supervised release departed from the parole system it replaced by giving district courts the freedom to

provide postrelease supervision for those, and only those, who needed it. . . . Congress aimed, then, to use the district courts' discretionary judgment to allocate supervision to those releasees who needed it most.'). Supervised release 'fulfills rehabilitative ends, distinct from those served by incarceration,' *United States* v. *Johnson,* 529 U.S. 53, 59 (2000). Accordingly, a court should consider whether the defendant needs supervision in order to ease transition into the community or to provide further rehabilitation and whether supervision will promote public safety. *See* 18 U.S.C. 3583(c), 3553(a)(2)(C)); *see also* S. Rep. No. 225, 98th Cong., 1st Sess. 124 (1983) (indicating that a 'primary goal of [a term of supervised release] is to ease the defendant's transition into the community after the service of a long prison term for a particularly serious offense, or to provide rehabilitation to a defendant who has spent a fairly short period in prison for punishment or other purposes but still needs supervision and training programs after release').''.

Section 5D1.1 is amended—

by striking subsections (a) and (b) as follows:

''(a) The court shall order a term of supervised release to follow imprisonment—

(1) when required by statute (*see* 18 U.S.C. 3583(a)); or

(2) except as provided in subsection (c), when a sentence of imprisonment of more than one year is imposed.

(b) The court may order a term of supervised release to follow imprisonment in any other case. *See* 18 U.S.C. 3583(a).'';

and inserting the following new subsections (a) and (b):

''(a) The court shall order a term of supervised release to follow imprisonment when required by statute (*see* 18 U.S.C. 3583(a)).

(b) When a term of supervised release is not required by statute, the court should order a term of supervised release to follow imprisonment when, and only when, warranted by an individualized assessment of the need for supervision.'';

and by inserting at the end the following new subsection (d):

''(d) The court should state on the record the reasons for imposing [or not imposing] a term of supervised release.''.

The Commentary to § 5D1.1 captioned ''Application Notes'' is amended—

by striking Notes 1, 2, and 3 as follows:

''1. *Application of Subsection (a).*—Under subsection (a), the court is required to impose a term of supervised release to follow imprisonment when supervised release is required by statute or, except as provided in subsection (c), when a sentence of imprisonment of more than one year is imposed. The court may depart from this guideline and not impose a term of supervised release if supervised release is not required by statute and the court determines, after considering the factors set forth in Note 3, that supervised release is not necessary.

2. *Application of Subsection (b).*—Under subsection (b), the court may impose a term of supervised release to follow a term of imprisonment in any other case, after considering the factors set forth in Note 3.

3. *Factors to Be Considered.*—

(A) *Statutory Factors.*—In determining whether to impose a term of supervised release, the court is required by statute to consider, among other factors:

(i) the nature and circumstances of the offense and the history and characteristics of the defendant;

(ii) the need to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;

(iii) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and

(iv) the need to provide restitution to any victims of the offense.

See 18 U.S.C. 3583(c).

(B) *Criminal History.*—The court should give particular consideration to the defendant's criminal history (which is one aspect of the 'history and characteristics of the defendant' in subparagraph (A)(i), above). In general, the more serious the defendant's criminal history, the greater the need for supervised release.

(C) *Substance Abuse.*—In a case in which a defendant sentenced to imprisonment is an abuser of controlled substances or alcohol, it is highly recommended that a term of supervised release also be imposed. *See* § 5H1.4 (Physical Condition, Including Drug or Alcohol Dependence or Abuse; Gambling Addiction).

(D) *Domestic Violence.*—If the defendant is convicted for the first time of a domestic violence crime as defined in 18 U.S.C. 3561(b), a term of supervised release is required by statute. *See* 18 U.S.C. 3583(a). Such a defendant is also required by statute to attend an approved rehabilitation program, if available within a 50-mile radius of the legal residence of the defendant. *See* 18 U.S.C. 3583(d); § 5D1.3(a)(3). In any other case involving domestic violence or stalking in which the defendant is sentenced to imprisonment, it is highly recommended that a term of supervised release also be imposed.'';

by redesignating Notes 4 and 5 as Notes 5 and 6, respectively;

and by inserting at the beginning the following new Notes 1, 2, 3, and 4:

''1. *Individualized Assessment.*—The statutory framework of supervised release aims to 'assure that [those] who will need post-release supervision will receive it' while 'prevent[ing] probation system resources from being wasted on supervisory services for releasees who do not need them.' *See* S. Rep. No. 225, 98th Cong., 1st Sess. 54 (1983). To that end, 18 U.S.C. 3583(c) requires the court to, 'in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release,' consider the following:

(A) the nature and circumstances of the offense and the history and characteristics of the defendant (18 U.S.C. 3553(a)(1));

(B) the need to afford adequate deterrence to criminal conduct, to protect the public from further crimes of the defendant, and to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner (18 U.S.C. 3553(a)(2)(B)–(D));

(C) the kinds of sentence and the sentencing range established for the applicable category of offense committed by the applicable category of defendant as set forth in the guidelines (18 U.S.C. 3553(a)(4));

(D) any pertinent policy statement issued by the Sentencing Commission (18 U.S.C. 3553(a)(5));

(E) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct (18 U.S.C. 3553(a)(6)); and

(F) the need to provide restitution to any victims of the offense (18 U.S.C. 3553(a)(7)).

See 18 U.S.C. 3583(c).

2. *Criminal History.*—The court should give particular consideration to the defendant's criminal history (which is one aspect of the 'history and characteristics of the defendant' in Application Note 1(A) above). In general, the more serious the defendant's criminal history, the greater the need for supervised release.

3. *Substance Abuse.*—In a case in which a defendant sentenced to imprisonment is an abuser of controlled substances or alcohol, it is highly recommended that a term of supervised release also be imposed. *See* § 5H1.4 (Physical Condition, Including Drug or Alcohol Dependence or Abuse; Gambling Addiction).

4. *Domestic Violence.*—If the defendant is convicted for the first time of a domestic violence crime as defined in 18 U.S.C. 3561(b), a term of supervised release is required by statute. *See* 18 U.S.C. 3583(a). Such a defendant is also required by statute to attend an approved rehabilitation program, if available within a 50-mile radius of the legal residence of the defendant. *See* 18 U.S.C. 3583(d); § 5D1.3(a)(3). In any other case involving domestic violence or stalking in which the defendant is sentenced to imprisonment, it is highly recommended that a term of supervised release also be imposed.''.

Section 5D1.2 is amended—

by striking subsections (a) and (b) as follows:

''(a) Except as provided in subsections (b) and (c), if a term of supervised release is ordered, the length of the term shall be:

(1) At least two years but not more than five years for a defendant convicted of a Class A or B felony. *See* 18 U.S.C. 3583(b)(1).

(2) At least one year but not more than three years for a defendant convicted of a Class C or D felony. *See* 18 U.S.C. 3583(b)(2).

(3) One year for a defendant convicted of a Class E felony or a Class A misdemeanor. *See* 18 U.S.C. 3583(b)(3).

(b) Notwithstanding subdivisions (a)(1) through (3), the length of the term of supervised release shall be not less than the minimum term of years specified for the offense under subdivisions (a)(1) through (3) and may be up to life, if the offense is—

(1) any offense listed in 18 U.S.C. 2332b(g)(5)(B), the commission of which resulted in, or created a foreseeable risk of, death or serious bodily injury to another person; or

(2) a sex offense.

(Policy Statement) If the instant offense of conviction is a sex offense, however, the statutory maximum term of supervised release is recommended.'';

by inserting at the beginning the following new subsection (a):

''(a) If a term of supervised release is ordered, the court shall conduct an individualized assessment to determine the length of the term, not to exceed the relevant statutory maximum term.'';

by redesignating subsection (c) as subsection (b);

and by inserting at the end the following new subsection (c):

''(c) The court should state on the record the reasons for the length of the term imposed.''.

The Commentary to § 5D1.2 captioned ''Application Notes'' is amended—

by striking Note 1 as follows:

''1. *Definitions.*—For purposes of this guideline:

'Sex offense' means (A) an offense, perpetrated against a minor, under (i) chapter 109A of title 18, United States Code; (ii) chapter 110 of such title, not including a recordkeeping offense; (iii) chapter 117 of such title, not including transmitting information about a minor or filing a factual statement about an alien individual; (iv) an offense under 18 U.S.C. 1201; or (v) an offense under 18 U.S.C. 1591; or (B) an attempt or a conspiracy to commit any offense described in subdivisions (A)(i) through (v) of this note. Such term does not include an offense under 18 U.S.C. 2250 (Failure to register).

'Minor' means (A) an individual who had not attained the age of 18 years; (B) an individual, whether fictitious or not, who a law enforcement officer represented to a participant (i) had not attained the age of 18 years; and (ii) could be provided for the purposes of engaging in sexually explicit conduct; or (C) an undercover law enforcement officer who represented to a participant that the officer had not attained the age of 18 years.'';

by redesignating Notes 2, 3, and 4 as Notes 1, 2, and 3, respectively;

in Note 1 (as so redesignated) by striking ''shall be'' and inserting ''is'';

in Note 2 (as so redesignated) by striking ''or the guidelines'';

in Note 3 (as so redesignated) by striking ''*Factors Considered.*—The factors to be considered in determining the length of a term of supervised release'' and inserting ''*Individualized Assessment.*—When conducting an individualized assessment to determine the length of a term of supervised release, the factors to be considered''; by striking ''Application Note 3'' and inserting ''Application Note 1''; and by striking ''long enough'' and inserting ''sufficient'';

by striking Notes 5 and 6 as follows:

''5. *Early Termination and Extension.*—The court has authority to terminate or extend a term of supervised release. *See* 18 U.S.C. 3583(e)(1), (2). The court is encouraged to exercise this authority in appropriate cases. The prospect of exercising this authority is a factor the court may wish to consider in determining the length of a term of supervised release. For example, the court may wish to consider early termination of supervised release if the defendant is an abuser of narcotics, other controlled substances, or alcohol who, while on supervised release, successfully completes a treatment program, thereby reducing the risk to the public from further crimes of the defendant.

6. *Application of Subsection (c).*—Subsection (c) specifies how a statutorily required minimum term of supervised release may affect the minimum term of supervised release provided by the guidelines.

For example, if subsection (a) provides a range of two years to five years, but the relevant statute requires a minimum term of supervised release of three years and a maximum term of life, the term of supervised release provided by the guidelines is restricted by subsection (c) to three years to five years. Similarly, if subsection (a) provides a range of two years to five years, but the relevant statute requires a minimum term of supervised release of five years and a maximum term of life, the term of supervised release provided by the guidelines is five years.

The following example illustrates the interaction of subsections (a) and (c) when subsection (b) is also involved. In this example, subsection (a) provides a range of two years to five years; the relevant statute requires a minimum term of supervised release of five years and a maximum term of life; and the offense is a sex offense under subsection (b). The effect of subsection (b) is to raise the maximum term of supervised release from five years (as provided by subsection (a)) to life, yielding a range of two years to life. The term of supervised release provided by the guidelines is then restricted by subsection (c) to five years to life. In this example, a term of supervised release of more than five years would be a guideline sentence. In addition, subsection (b) contains a policy statement recommending that the maximum—a life term of supervised release—be imposed.'';

and by inserting at the end the following new Note 4:

''4. *Early Termination and Extension.*—The court has authority to terminate or extend a term of supervised release. *See* 18 U.S.C. 3583(e)(1), (2); § 5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)).''.

The Commentary to § 5D1.2 is amended by striking the Commentary captioned ''Background'' in its entirety as follows:

''*Background:* This section specifies the length of a term of supervised

release that is to be imposed. Subsection (c) applies to statutes, such as the Anti-Drug Abuse Act of 1986, that require imposition of a specific minimum term of supervised release.''.

Section 5D1.3 is amended—

by striking subsections (b), (c), and (d) as follows:

''(b) *Discretionary Conditions*

The court may impose other conditions of supervised release to the extent that such conditions (1) are reasonably related to (A) the nature and circumstances of the offense and the history and characteristics of the defendant; (B) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (C) the need to protect the public from further crimes of the defendant; and (D) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and (2) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission.

(c) *'Standard' Conditions (Policy Statement)*

The following 'standard' conditions are recommended for supervised release. Several of the conditions are expansions of the conditions required by statute:

(1) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.

(2) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.

(3) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

(4) The defendant shall answer truthfully the questions asked by the probation officer.

(5) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(6) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.

(7) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(8) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not knowingly communicate or interact with that person without first getting the permission of the probation officer.

(9) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.

(10) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (*i.e.,* anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).

(11) The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

(12) If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.

(13) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

(d) *'Special' Conditions (Policy Statement)*

The following 'special' conditions of supervised release are recommended in the circumstances described and, in addition, may otherwise be appropriate in particular cases:

(1) *Support of Dependents*

(A) If the defendant has one or more dependents—a condition specifying that the defendant shall support his or her dependents.

(B) If the defendant is ordered by the government to make child support payments or to make payments to support a person caring for a child—a condition specifying that the defendant shall make the payments and comply with the other terms of the order.

(2) *Debt Obligations*

If an installment schedule of payment of restitution or a fine is imposed—a condition prohibiting the defendant from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule.

(3) *Access to Financial Information*

If the court imposes an order of restitution, forfeiture, or notice to victims, or orders the defendant to pay a fine—a condition requiring the defendant to provide the probation officer access to any requested financial information.

(4) *Substance Abuse*

If the court has reason to believe that the defendant is an abuser of narcotics, other controlled substances or alcohol—(A) a condition requiring the defendant to participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and (B) a condition specifying that the defendant shall not use or possess alcohol.

(5) *Mental Health Program Participation*

If the court has reason to believe that the defendant is in need of psychological or psychiatric treatment—a condition requiring that the defendant participate in a mental health program approved by the United States Probation Office.

(6) *Deportation*

If (A) the defendant and the United States entered into a stipulation of deportation pursuant to section 238(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1228(c)(5)*); or

(B) in the absence of a stipulation of deportation, if, after notice and hearing pursuant to such section, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable—a condition ordering deportation by a United States district court or a United States magistrate judge.

* So in original. Probably should be 8 U.S.C. 1228(d)(5).

(7) *Sex Offenses*

If the instant offense of conviction is a sex offense, as defined in Application Note 1 of the Commentary to § 5D1.2 (Term of Supervised Release)—

(A) A condition requiring the defendant to participate in a program approved by the United States Probation Office for the treatment and monitoring of sex offenders.

(B) A condition limiting the use of a computer or an interactive computer service in cases in which the defendant used such items.

(C) A condition requiring the defendant to submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.

(8) *Unpaid Restitution, Fines, or Special Assessments*

If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

(e) *Additional Conditions (Policy Statement)*

The following 'special conditions' may be appropriate on a case-by-case basis:

(1) *Community Confinement*

Residence in a community treatment center, halfway house or similar facility may be imposed as a condition of supervised release. *See* § 5F1.1 (Community Confinement).

(2) *Home Detention*

Home detention may be imposed as a condition of supervised release, but only as a substitute for imprisonment. *See* § 5F1.2 (Home Detention).

(3) *Community Service*

Community service may be imposed as a condition of supervised release. *See* § 5F1.3 (Community Service).

(4) *Occupational Restrictions*

Occupational restrictions may be imposed as a condition of supervised release. *See* § 5F1.5 (Occupational Restrictions).

(5) *Curfew*

A condition imposing a curfew may be imposed if the court concludes that restricting the defendant to his place of residence during evening and nighttime hours is necessary to protect the public from crimes that the defendant might commit during those hours, or to assist in the rehabilitation of the defendant. Electronic monitoring may be used as a means of surveillance to ensure compliance with a curfew order.

(6) *Intermittent Confinement*

Intermittent confinement (custody for intervals of time) may be ordered as a condition of supervised release during the first year of supervised release, but only for a violation of a condition of supervised release in accordance with 18 U.S.C. 3583(e)(2) and only when facilities are available. *See* § 5F1.8 (Intermittent Confinement).'';

and inserting the following new subsection (b):

''(b) *Discretionary Conditions*

(1) *In General.*—The court should conduct an individualized assessment to determine what, if any, other conditions of supervised release are warranted.

Such conditions are warranted to the extent that they (A) are reasonably related to (i) the nature and circumstances of the offense and the history and characteristics of the defendant; (ii) the need for the sentence imposed to afford adequate deterrence to criminal conduct; (iii) the need to protect the public from further crimes of the defendant; and (iv) the need to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner; and (B) involve no greater deprivation of liberty than is reasonably necessary for the purposes set forth above and are consistent with any pertinent policy statements issued by the Sentencing Commission. *See* 18 U.S.C. 3583(d).

(2) [*'Standard'*][*Examples of Common*] *Conditions (Policy Statement)*

The following are ['standard' conditions of supervised release, which the court may modify, expand, or omit in appropriate cases] [examples of common conditions of supervised release that may be warranted in appropriate cases][. Several of the conditions are expansions of the conditions required by statute]:

(A) The defendant shall report to the probation office in the federal judicial district where he or she is authorized to reside within 72 hours of release from imprisonment, unless the probation officer instructs the defendant to report to a different probation office or within a different time frame.

(B) After initially reporting to the probation office, the defendant will receive instructions from the court or the probation officer about how and when to report to the probation officer, and the defendant shall report to the probation officer as instructed.

(C) The defendant shall not knowingly leave the federal judicial district where he or she is authorized to reside without first getting permission from the court or the probation officer.

(D) The defendant shall answer truthfully the questions asked by the probation officer.

(E) The defendant shall live at a place approved by the probation officer. If the defendant plans to change where he or she lives or anything about his or her living arrangements (such as the people the defendant lives with), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(F) The defendant shall allow the probation officer to visit the defendant at any time at his or her home or elsewhere, and the defendant shall permit the probation officer to take any items prohibited by the conditions of the defendant's supervision that he or she observes in plain view.

(G) The defendant shall work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses the defendant from doing so. If the defendant does not have full-time employment he or she shall try to find full-time employment, unless the probation officer excuses the defendant from doing so. If the defendant plans to change where the defendant works or anything about his or her work (such as the position or the job responsibilities), the defendant shall notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, the defendant shall notify the probation officer within 72 hours of becoming aware of a change or expected change.

(H) The defendant shall not communicate or interact with someone the defendant knows is engaged in criminal activity. If the defendant knows someone has been convicted of a felony, the defendant shall not

knowingly communicate or interact with that person without first getting the permission of the probation officer.

(I) If the defendant is arrested or questioned by a law enforcement officer, the defendant shall notify the probation officer within 72 hours.

(J) The defendant shall not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (*i.e.,* anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person, such as nunchakus or tasers).

(K) The defendant shall not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.

(L) If the probation officer determines that the defendant poses a risk to another person (including an organization), the probation officer may require the defendant to notify the person about the risk and the defendant shall comply with that instruction. The probation officer may contact the person and confirm that the defendant has notified the person about the risk.

(M) The defendant shall follow the instructions of the probation officer related to the conditions of supervision.

(3) *'Special' Conditions (Policy Statement)*

One or more conditions from the following non-exhaustive list of 'special' conditions of supervised release may be appropriate in a particular case, including in the circumstances described:

(A) *Support of Dependents*

(i) If the defendant has one or more dependents—a condition specifying that the defendant shall support his or her dependents.

(ii) If the defendant is ordered by the government to make child support payments or to make payments to support a person caring for a child—a condition specifying that the defendant shall make the payments and comply with the other terms of the order.

(B) *Debt Obligations*

If an installment schedule of payment of restitution or a fine is imposed—a condition prohibiting the defendant from incurring new credit charges or opening additional lines of credit without approval of the probation officer unless the defendant is in compliance with the payment schedule.

(C) *Access to Financial Information*

If the court imposes an order of restitution, forfeiture, or notice to victims, or orders the defendant to pay a fine—a condition requiring the defendant to provide the probation officer access to any requested financial information.

(D) *Substance Abuse*

If the court has reason to believe that the defendant is an abuser of narcotics, other controlled substances or alcohol—(i) a condition requiring the defendant to participate in a program approved by the United States Probation Office for substance abuse, which program may include testing to determine whether the defendant has reverted to the use of drugs or alcohol; and (ii) a condition specifying that the defendant shall not use or possess alcohol.

(E) *Mental Health Program Participation*

If the court has reason to believe that the defendant is in need of psychological or psychiatric treatment—a condition requiring that the defendant participate in a mental health program approved by the United States Probation Office.

(F) *Deportation*

If (i) the defendant and the United States entered into a stipulation of deportation pursuant to section 238(c)(5) of the Immigration and Nationality Act (8 U.S.C. 1228(c)(5)*); or (ii) in the absence of a stipulation of deportation, if, after notice and hearing pursuant to such section, the Attorney General demonstrates by clear and convincing evidence that the alien is deportable—a condition ordering deportation by a United States district court or a United States magistrate judge.

* So in original. Probably should be 8 U.S.C. 1228(d)(5).

(G) *Sex Offenses*

If the instant offense of conviction is a sex offense—

(i) A condition requiring the defendant to participate in a program approved by the United States Probation Office for the treatment and monitoring of sex offenders.

(ii) A condition limiting the use of a computer or an interactive computer service in cases in which the defendant used such items.

(iii) A condition requiring the defendant to submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of the defendant's person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects upon reasonable suspicion concerning a violation of a condition of supervised release or unlawful conduct by the defendant, or by any probation officer in the lawful discharge of the officer's supervision functions.

(H) *Unpaid Restitution, Fines, or Special Assessments*

If the defendant has any unpaid amount of restitution, fines, or special assessments, the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

(I) *High School or Equivalent Diploma*

If the defendant has not obtained a high school or equivalent diploma, a condition requiring the defendant to participate in a program to obtain such a diploma.

(J) *Community Confinement*

Residence in a community treatment center, halfway house or similar facility may be imposed as a condition of supervised release. *See* § 5F1.1 (Community Confinement).

(K) *Home Detention*

Home detention may be imposed as a condition of supervised release, but only as a substitute for imprisonment. *See* § 5F1.2 (Home Detention).

(L) *Community Service*

Community service may be imposed as a condition of supervised release. *See* § 5F1.3 (Community Service).

(M) *Occupational Restrictions*

Occupational restrictions may be imposed as a condition of supervised release. *See* § 5F1.5 (Occupational Restrictions).

(N) *Curfew*

A condition imposing a curfew may be imposed if the court concludes that restricting the defendant to his place of residence during evening and nighttime hours is necessary to protect the public from crimes that the defendant might commit during those hours, or to assist in the rehabilitation of the defendant. Electronic monitoring may be used as a means of surveillance to ensure compliance with a curfew order.

(O) *Intermittent Confinement*

Intermittent confinement (custody for intervals of time) may be ordered as a condition of supervised release during the first year of supervised release, but only for a violation of a condition of supervised release in accordance with 18 U.S.C. 3583(e)(2) and only when facilities are available. *See* § 5F1.8 (Intermittent Confinement).''.

The Commentary to § 5D1.3 captioned ''Applications Notes'' is amended—

in the caption by striking ''Note'' and inserting ''Notes'';

by redesignating Note 1 as Note 2;

by inserting at the beginning the following new Note 1:

''1. *Individualized Assessment.*—When conducting an individualized assessment under this section, the court must consider the same factors used to determine whether to impose a term of

supervised release, and shall impose conditions of supervision not required by statute only to the extent such conditions meet the requirements listed at 18 U.S.C. 3583(d). *See* 18 U.S.C. 3583(c), (d); Application Note 1 to § 5D1.1 (Imposition of a Term of Supervised Release).'';

in Note 2 (as so redesignated) by striking ''(c)(4)'' both places it appears and inserting ''(b)(2)(D)'';

and by inserting at the end the following new Note 3:

''3. *Application of Subsection (b)(3)(G).*—For purposes of subsection (b)(3)(G):

'Sex offense' means (A) an offense, perpetrated against a minor, under (i) chapter 109A of title 18, United States Code; (ii) chapter 110 of such title, not including a recordkeeping offense; (iii) chapter 117 of such title, not including transmitting information about a minor or filing a factual statement about an alien individual; (iv) an offense under 18 U.S.C. 1201; or (v) an offense under 18 U.S.C. 1591; or (B) an attempt or a conspiracy to commit any offense described in subdivisions (A)(i) through (v) of this note. Such term does not include an offense under 18 U.S.C. 2250 (Failure to register).

'Minor' means (A) an individual who had not attained the age of 18 years; (B) an individual, whether fictitious or not, who a law enforcement officer represented to a participant (i) had not attained the age of 18 years; and (ii) could be provided for the purposes of engaging in sexually explicit conduct; or (C) an undercover law enforcement officer who represented to a participant that the officer had not attained the age of 18 years.''.

Chapter Five, Part D is amended by inserting at the end the following new § 5D1.4:

''§ 5D1.4. *Modification, Early Termination, and Extension of Supervised Release (Policy Statement)*

(a) *Modification of Conditions.*—At any time prior to the expiration or termination of the term of supervised release, the court [should][may] modify, reduce, or enlarge the conditions of supervised release whenever warranted by an individualized assessment of the appropriateness of existing conditions. *See* 18 U.S.C. 3583(e)(2). The court is encouraged to conduct such an assessment as soon as practicable after the defendant's release from imprisonment.

(b) *Early Termination.*—Any time after the expiration of one year of supervised release and after an individualized assessment of the need for ongoing supervision, the court [should][may] terminate the remaining term of supervision and discharge the defendant if the court determines, following consultation with the government and the probation officer, that the termination is warranted by the conduct of the defendant and the interest of justice. *See* 18 U.S.C. 3583(e)(1).

[In determining whether termination is warranted, the court should consider the following non-exhaustive list of factors:

(1) any history of court-reported violations over the term of supervision;

(2) the ability of the defendant to lawfully self-manage beyond the period of supervision;

(3) the defendant's substantial compliance with all conditions of supervision;

(4) the defendant's engagement in appropriate prosocial activities and the existence or lack of prosocial support to remain lawful beyond the period of supervision;

(5) a demonstrated reduction in risk level over the period of supervision; and

(6) whether termination will jeopardize public safety, as evidenced by the nature of the defendant's offense, the defendant's criminal history, the defendant's record while incarcerated, the defendant's efforts to reintegrate into the community and avoid recidivism, any statements or information provided by the victims of the offense, and other factors the court finds relevant.]

The court is encouraged to conduct such assessments upon the expiration of one year of supervision and periodically throughout the term of supervision thereafter.

(c) *Extending a Term of Supervised Release.*—The court may, at any time prior to the expiration or termination of a term of supervised release, extend the term of supervised release if less than the maximum authorized term of supervised release was previously imposed and the extension is warranted by an individualized assessment of the need for further supervision. *See* 18 U.S.C. 3583(e)(2).

Commentary

Application Notes:

1. *Individualized Assessment.*—When making an individualized assessment under this section, the factors to be considered are the same factors used to determine whether to impose a term of supervised release. *See* 18 U.S.C. 3583(c), (e); Application Note 1 to § 5D1.1 (Imposition of a Term of Supervised Release). [In particular, the court is encouraged to consider (A) the defendant's needs and risks and the conditions of supervised release imposed at the original sentencing; and (B) the defendant's conduct in custody, post-release circumstances, and the availability of resources required for compliance with conditions (*e.g.,* the availability of treatment facilities).]

2. *Extension or Modification of Conditions.*—In a case involving an extension of the term or a modification of the conditions of supervised release, the court shall comply with Rule 32.1 (Revoking or Modifying Probation or Supervised Release) of the Federal Rules of Criminal Procedure and the provisions applicable to the initial setting of the terms and conditions of post-release supervision. *See* 18 U.S.C. 3583(e)(2). In both situations, the Commission encourages the court to make its best effort to ensure that any victim of the offense [and of any violation of a condition of supervised release] is reasonably, accurately, and timely notified, and provided, to the extent practicable, with an opportunity to be reasonably heard, unless any such victim previously requested not to be notified.

3. *Application of Subsection (c).*—Subsection (c) addresses a court's authority to extend a term of supervised release. In some cases, extending a term may be more appropriate than taking other measures, such as revoking the supervised release. For example, if a defendant violates a condition of supervised release, a court should determine whether extending the term would be more appropriate than revocation.''.

The Commentary to § 1B1.10 captioned ''Application Notes'' is amended in Note 8(B) by inserting after ''18 U.S.C. 3583(e)(1).'' the following: ''*See* § 5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)).''.

[The Commentary to § 4B1.5 captioned ''Application Notes'' is amended by striking Note 5 as follows:

''5. *Treatment and Monitoring.*—

(A) *Recommended Maximum Term of Supervised Release.*—The statutory maximum term of supervised release is recommended for offenders sentenced under this guideline.

(B) *Recommended Conditions of Probation and Supervised Release.*—Treatment and monitoring are important tools for supervising offenders and should be considered as special conditions of any term of probation or supervised release that is imposed.''.]

[The Commentary to § 4B1.5 captioned ''Application Notes'' is amended in Note 5—

by striking the following:

''*Treatment and Monitoring.*—

(A) *Recommended Maximum Term of Supervised Release.*—The statutory maximum term of supervised release is recommended for offenders sentenced under this guideline.

(B) *Recommended Conditions of Probation and Supervised Release.*—Treatment and monitoring are important tools for supervising offenders and should be considered as special conditions of any term of probation or supervised release that is imposed.'';

and by inserting the following:

''*Treatment and Monitoring.*—Treatment and monitoring are important tools for supervising offenders and may be considered as special conditions of any term of probation or supervised release that is imposed.''.]

Section 5B1.3(d)(7) is amended by striking '', as defined in Application Note 1 of the Commentary to § 5D1.2 (Term of Supervised Release)''.

The Commentary to § 5B1.3 captioned ''Application Note'' is amended—

in the caption by striking ''Note'' and inserting ''Notes'';

and by inserting at the end the following new Note 2:

''2. *Application of Subsection (d)(7).*—For purposes of subsection (d)(7):

'Sex offense' means (A) an offense, perpetrated against a minor, under (i) chapter 109A of title 18, United States Code; (ii) chapter 110 of such title, not including a recordkeeping offense; (iii) chapter 117 of such title, not including transmitting information about a minor or filing a factual statement about an alien individual; (iv) an offense under 18 U.S.C. 1201; or (v) an offense under 18 U.S.C. 1591; or (B) an attempt or a conspiracy to commit any offense described in subdivisions (A)(i) through (v) of this note. Such term does not include an offense under 18 U.S.C. 2250 (Failure to register).

'Minor' means (A) an individual who had not attained the age of 18 years; (B) an individual, whether fictitious or not, who a law enforcement officer represented to a participant (i) had not attained the age of 18 years; and (ii) could be provided for the purposes of engaging in sexually explicit conduct; or (C) an undercover law enforcement officer who represented to a participant that the officer had not attained the age of 18 years.''.

Section 5H1.3 is amended in the paragraph that begins ''Mental and emotional conditions may be relevant in determining the conditions'' by striking ''5D1.3(d)(5)'' and inserting ''5D1.3(b)(3)(E)''.

Section 5H1.4 is amended in the paragraph that begins ''Drug or alcohol dependence'' by striking ''§ 5D1.3(d)(4)'' and inserting ''§ 5D1.3(b)(3)(D)''.

Issues for Comment

1. The Commission has received feedback that courts should be afforded more discretion to tailor their supervised release decisions based on an individualized assessment of the defendant. At the same time, the Commission has received feedback that courts and probation officers would benefit from more guidance concerning the imposition, length, and conditions of supervised release.

(A) Part A of the proposed amendment would add language throughout Chapter Five, Part D (Supervised Release) directing courts that supervised release decisions should be based on an ''individualized assessment'' of the statutory factors listed in 18 U.S.C. 3583(c)–(e) and remove recommended minimum terms of supervised release. The Commission seeks comment on whether the inclusion of an individualized assessment based on statutory factors is sufficient to provide both discretion and useful guidance.

(B) Part A of the proposed amendment would maintain the Commentary to § 5D1.1 (Imposition of a Term of Supervised Release) that directs courts to pay particular attention to a defendant's criminal or substance abuse history. In addition, new proposed policy statement at § 5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)) includes as a bracketed option a non-exhaustive list of factors that a court should consider in determining whether early termination of supervised release is warranted. The Commission seeks comment on whether such guidance should be retained or deleted and whether similar guidance should be included elsewhere. If the Commission provides further guidance, what should that guidance be?

(C) Is there any other approach the Commission should consider to provide courts with appropriate discretion while also including useful guidance, either throughout Chapter Five, Part D, or for certain guideline provisions?

2. Section 5D1.1(c) instructs that ''[t]he court ordinarily should not impose a term of supervised release in a case in which supervised release is not required by statute and the defendant is a deportable alien who likely will be deported after imprisonment.'' The Commission has received feedback that imposition of a term of supervised release in such cases varies substantially by jurisdiction, may be excessive, and may divert resources. Should the Commission amend § 5D1.1(c) to further discourage the imposition of supervised release for individuals who are likely to be deported?

3. In § 5D1.4, Part A of the proposed amendment provides an option to include a non-exhaustive list of factors for courts to consider when determining whether early termination is warranted. These factors are drawn from the Post-Conviction Supervision Policies in the *Guide to Judiciary Policy* (Vol. 8E, Ch. 3, § 360.20, *available at https://www.uscourts.gov/file/78805/download*) and the Safer Supervision Act—a bipartisan bill introduced in the Senate and House of Representatives in the 118th Congress that would have amended 18 U.S.C. 3583. *See* S. 2861, H.R. 5005. Are the listed factors appropriate? Should the Commission omit or amend any of the listed factors, or should it include other specific factors?

4. The First Step Act of 2018 (FSA), Public Law 115—391, allows individuals in custody who successfully complete evidence-based recidivism reduction programming or productive activities to earn time credits. *See* 18 U.S.C. 3632(d)(4)(A). How those time credits are applied may depend on whether the defendant's sentence includes a term of supervised release. Specifically, the FSA provides ''[i]f the sentencing court included as a part of the prisoner's sentence a requirement that the prisoner be placed on a term of supervised release after imprisonment pursuant to [18 U.S.C. 3583], the Director of the Bureau of Prisons may transfer the prisoner to begin any such term of supervised release at an earlier date, not to exceed 12 months, based on the application of time credits under [18 U.S.C. 3632].'' 18 U.S.C. 3624(g)(3).

The Commission seeks comment on whether and how the changes to supervised release set forth in Part A of the proposed amendment may impact defendants' eligibility to benefit from the FSA earned time credits. Should the Commission make any additional or different changes to Chapter Five to avoid any unintended consequences that would impact a defendant's eligibility? If so, what changes should be made?

5. At § 5D1.3 (Conditions of Supervised Release), Part A of the proposed amendment retains two general categories of discretionary conditions of supervised release without amending their substance—''standard'' and ''special'' conditions. In doing so, the Commission brackets language that would alternatively refer to ''standard'' conditions as ''examples of common conditions that may be warranted in appropriate cases.'' Part A of the proposed amendment also includes in

its listing of ''special'' conditions those conditions that currently are labeled as ''Additional Conditions.'' The Commission seeks comment on these proposals and on whether another approach is warranted.

6. Part A of the proposed amendment would establish a new policy statement at § 5D1.4 (Modification, Early Termination, and Extension of Supervised Release (Policy Statement)), which, among other things, addresses a court's determination whether to terminate a term of supervised release. The Commission seeks comment on whether it should provide that the completion of reentry programs (more information available at *https://www.ussc.gov/education/problem-solving-court-resources*), such as the Supervision to Aid Reentry Program in the Eastern District of Pennsylvania, should be considered by a court when determining whether to terminate the supervision.

7. Furthermore, the Commission seeks comment on whether the new policy statement at § 5D1.4 should provide guidance to courts on the appropriate procedures to employ when determining whether to terminate a term of supervised release. For example, should the Commission recommend that courts make the determination pursuant to a full public proceeding, or is a more informal proceeding sufficient? In either case, should the Commission encourage courts to appoint counsel to represent the defendant? How might the Commission encourage courts to ensure that any victim of the offense (or of any violation of a condition of supervised release) is notified of the early termination consideration and afforded a reasonable opportunity to be heard? Are there other appropriate approaches the Commission should recommend?

(B) Revocation of Supervised Release

Synopsis of Proposed Amendment: Chapter Seven (Violations of Probation and Supervised Release) of the *Guidelines Manual* addresses violations of probation and supervised release by means of an introductory framework and a series of policy statements. The introduction to Chapter Seven, Part A (Introduction to Chapter Seven) explains the framework the *Guidelines Manual* uses to address violations of probation and supervised release. It describes the Commission's resolution of several issues. First, the Commission decided in 1990 to promulgate policy statements rather than guidelines because of the flexibility of this option. *See generally* USSG Ch.7, Pt.A. Next, ''[a]fter lengthy consideration,'' the Commission adopted a ''breach of trust'' framework for violations of supervised release; the alternative option would have sanctioned individuals who committed new criminal conduct by applying the offense guidelines in Chapters Two and Three to the criminal conduct that formed the basis of the new violation, along with a recalculated criminal history score. *Id.* Under this approach, the ''sentence imposed upon revocation [is] intended to sanction the violator for failing to abide by the conditions of the court-ordered supervision, leaving the punishment for any new criminal conduct to the court responsible for imposing the sentence for that offense.'' *Id.* Finally, despite some debate, the Commission opted to ''develop a single set of policy statements for revocation of both probation and supervised release.'' *Id.* The Commission signaled that it intended ultimately to issue ''revocation guidelines,'' but it has not done so. *Id.*

Section 7B1.1 (Classification of Violations (Policy Statement)) governs the classification of violations of supervised release. Grade A Violations consist of conduct constituting (A) a federal, state, or local offense punishable by a term of imprisonment exceeding one year that (i) is a crime of violence, (ii) is a controlled substance offense, or (iii) involves possession of a firearm or destructive device of a type described in 26 U.S.C. 5845(a); or (B) any other federal, state, or local offense punishable by a term of imprisonment exceeding twenty years. USSG § 7B1.1(a)(1). Grade B Violations involve conduct constituting any other federal, state, or local offense punishable by a term of imprisonment exceeding on year. USSG § 7B1.1(a)(2). Grade C Violations involve conduct constituting (A) a federal, state, or local offense punishable by a term of imprisonment of one year or less; or (B) a violation of any other condition of supervision. USSG § 7B1.1(a)(3). In cases with more than one violation of the conditions of supervision, or a single violation with conduct constituting more than one offense, the grade of the violation is determined by the violation having the most serious grade. USSG § 7B1.1(b).

Section 7B1.2 (Reporting of Violations of Probation and Supervised Release (Policy Statement)) concerns the reporting of violations of supervised release to the court. In cases of Grade A or B violations, § 7B1.2(a) directs that the probation officer ''shall'' promptly report them to the court. For Grade C violations, the probation officer also ''shall'' promptly report them to the court unless the officer determines that (1) the violation is minor and not part of a continuing pattern, and (2) non-reporting will not present an undue risk to the individual or the public or be inconsistent with any directive of the court. USSG § 7B1.2(b).

Section 7B1.3 (Revocation of Probation or Supervised Release (Policy Statement)) governs a court's options when it finds that a violation of the terms of supervised release have occurred. Upon the finding of a Grade A or B violation, the court shall revoke an individual's supervised release; upon the finding of a Grade C violation, the court may either revoke supervised release, or it may extend the term of supervision and/or modify the conditions of supervision. USSG § 7B1.3(a). When a court does revoke supervised release, § 7B1.3(b) directs that the applicable range of imprisonment is the one set forth in § 7B1.4. Section 7B1.3(c) provides that in the case of a Grade B or C violation, certain community confinement or home detention sentences are available to satisfy at least a portion of the sentence. Section 7B1.3(f) directs that any term of imprisonment imposed upon revocation shall be ordered to be served consecutively to any sentence of imprisonment the individual is serving, regardless of whether that other sentence resulted from the conduct that is the basis for the revocation. If supervised release is revoked, the court may also include an additional term of supervised release to be imposed upon release from imprisonment, but that term may not exceed statutory limits. USSG § 7B1.3(g).

Section 7B1.4 (Term of Imprisonment (Policy Statement)) contains the revocation table, which sets forth recommended ranges of imprisonment based on the grade of violation and an individual's criminal history category. Increased sentencing ranges apply where the individual has committed a Grade A violation while also on supervised release following imprisonment for a Class A felony. USSG § 7B1.4(a)(2). An asterisked note to the revocation table notes that the criminal history category to be applied is the one ''applicable at the time the defendant originally was sentenced to a term of supervision.'' USSG § 7B1.4(a)(2). Trumping mechanisms apply if the terms of imprisonment required by statute exceed or fall below the suggested range. USSG § 7B1.4(b).

Subsection (b) of 7B1.5 (No Credit for Time Under Supervision (Policy Statement)) directs that upon revocation of supervised release, ''no credit shall be given (toward any term of imprisonment ordered) for time previously served on post-release supervision.'' An exception applies for individuals serving a period

of supervised release on a foreign sentence under the provisions of 18 U.S.C. 4106A. USSG § 7B1.5(c).

Part B of the proposed amendment seeks to revise Chapter Seven to accomplish two goals. The first is to provide courts greater discretion to respond to a violation of a condition of supervised release. The second is to ensure the provisions in Chapter Seven reflect the differences between probation and supervised release.

Part B of the proposed amendment revises the introductory commentary in Part A of Chapter Seven. It would add commentary explaining that the Commission has updated the policy statements addressing violations of supervised release in response to feedback from stakeholders identifying the need for more flexible, individualized responses to such violations. It would also add commentary highlighting the differences between probation and supervised release and how those differences have led the Commission to recommend different approaches to handling violations of probation, which serves a punitive function, and supervised release, a primary function of which is to ''fulfill[] rehabilitative ends, distinct from those served by incarceration.'' *United States* v. *Johnson,* 529 U.S. 53, 59 (2000).

Part B of the proposed amendment separates the provisions addressing violations of probation from those addressing violations of supervised release by removing all references to supervised release from Part B of Chapter Seven. It then duplicates the provisions of Part B as they pertain to supervised release in a new Part C.

Part B of the proposed amendment would create a new Part C in Chapter Seven to address supervised release violations. Part C would begin with introductory commentary explaining that—in responding to an allegation that a supervisee has violated the terms of supervision, addressing a violation found during revocation proceedings, or imposing a sentence upon revocation—the court should conduct the same kind of individualized assessment used throughout the process of imposing a term of supervised release. It would also express the Commission's view that courts should consider a wide array of options to address violations of supervised release.

The specific policy statements of Part C would duplicate the provisions of Part B as they pertain to supervised release, with a number of changes. Under the new § 7C1.1 (Classification of Violations (Policy Statement)), which duplicates § 7B1.1, there would be a fourth classification of violation: Grade D, which would include ''a violation of any other condition of supervised release,'' which is currently classified as a Grade C violation.

Part B of the proposed amendment would duplicate § 7B1.2, which addresses a probation officer's duty to report violations, in the new § 7C1.2.

Part B of the proposed amendment would create a new § 7C1.3 (Responses to Violations of Supervised Release (Policy Statement)), establishing the actions a court may take in response to an allegation of non-compliance with supervised release. Under the policy statement, upon an allegation of non-compliance, the court would be instructed to conduct an individualized assessment to determine the appropriate response. Part B of the proposed amendment brackets the possibility of creating in the guideline a non-exhaustive list of possible responses and brackets the possibility of including a list of other possible responses in an Application Note. It provides two options for addressing a court's response to a finding of a violation. Under Option 1, upon a finding of a violation for which revocation is not required, the court would be authorized, subject to an individualized assessment, to continue the term of supervised release without modification, extend the term of supervised release or modify the conditions, terminate the term, or revoke supervised release. Upon a finding of a violation for which revocation is required by statute, the court would be required to revoke supervised release. Under Option 2, the court would be required to revoke supervised release upon a finding of a violation for which revocation is required by statute or for a Grade A or B violation. Upon a finding of any other violation, the court would be authorized, subject to an individualized assessment, to continue the term of supervised release without modification, extend the term of supervised release or modify the conditions, terminate the term, or revoke supervised release.

Section 7C1.4 (Revocation of Supervised Release (Policy Statement)) would address instances of revocation. In such a case, the court would be required to conduct an individualized assessment to determine the appropriate length of the term of imprisonment. Part B of the proposed amendment provides two options, Option 1 and Option 2, for addressing whether such a term should be served concurrently or consecutively to any sentence of imprisonment the defendant is serving. Under Option 1, the court would be instructed to conduct an individualized assessment to determine whether that term should be served concurrently, partially concurrently, or consecutively to any sentence of imprisonment the defendant is serving. Option 2 would maintain the current provision requiring the term to be served consecutively. Part B of the proposed amendment would also continue to recognize the court's authority to include a requirement that the defendant be placed on a term of supervised release upon release from imprisonment.

Section 7C1.5 (Term of Imprisonment—Supervised Release (Policy Statement)), which duplicates § 7B1.4, would set forth the Supervised Release Revocation Table. The Supervised Release Revocation Table would include recommended ranges of imprisonment, which would be subject to an individualized assessment conducted by the court. The Table would also include recommended ranges for Grade D violations. It would also remove the guidance addressing statutory maximum and minimum terms of imprisonment.

Finally, § 7C1.6 (No Credit for Time Under Supervision (Policy Statement)) would duplicate § 7B1.5, which provides that, upon revocation of supervised release, no credit shall be given for time previously served on post-release supervision.

Issues for comment are also provided.

Proposed Amendment

Chapter Seven, Part A is amended—

in Subpart 1 by striking ''Under 28 U.S.C. 994(a)(3), the Sentencing Commission is required to issue guidelines or policy statements applicable to the revocation of probation and supervised release. At this time, the Commission has chosen to promulgate policy statements only. These policy statements will provide guidance while allowing for the identification of any substantive or procedural issues that require further review. The Commission views these policy statements as evolutionary and will review relevant data and materials concerning revocation determinations under these policy statements. Revocation guidelines will be issued after federal judges, probation officers, practitioners, and others have the opportunity to evaluate and comment on these policy statements.'' and inserting ''Under 28 U.S.C. 994(a)(3), the Sentencing Commission is required to issue guidelines or policy statements applicable to the revocation of probation and supervised release. Initially, the Commission chose to promulgate policy statements only. These policy

statements were intended to provide guidance and allow for the identification of any substantive or procedural issues that require further review. The Commission viewed these policy statements as evolutionary and intended to review relevant data and materials concerning revocation determinations under these policy statements. Updated policies would be issued after federal judges, probation officers, practitioners, and others had the opportunity to evaluate and comment on these policy statements.'';

in Subpart 3(a), in the paragraph that begins ''Moreover, the Commission'' by striking ''anticipates'' and inserting ''anticipated''; by striking ''will provide'' and inserting ''would provide''; by striking ''represent'' and inserting ''represented''; and by striking ''intends to promulgate revocation guidelines'' and inserting ''intended to promulgate updated revocation policies'';

in Subpart 3(b)—

in the paragraph that begins ''The Commission debated'' by inserting after ''the Commission'' the following: ''initially'';

in the paragraph that begins ''After lengthy consideration'' by inserting after ''the Commission'' the following: ''initially'';

in the paragraph that begins ''Given the relatively narrow'' by inserting after ''the Commission'' the following: ''initially'';

and in the paragraph that begins ''Accordingly, the Commission'' by inserting after ''the Commission'' the following: ''initially'';

in Subpart 4—

in the paragraph that begins ''The revocation policy'' by striking ''categorize'' and inserting ''initially categorized''; and by striking ''fix'' and inserting ''fixed'';

and in the paragraph that begins ''The Commission'' by striking ''has elected'' and inserting ''initially elected''; by striking ''the Commission determined'' and inserting ''the Commission had determined''; and by striking ''the Commission has initially concluded'' and inserting ''the Commission initially concluded'';

by striking Subpart 5 as follows:

''*5. A Concluding Note*

The Commission views these policy statements for revocation of probation and supervised release as the first step in an evolutionary process. The Commission expects to issue revocation guidelines after judges, probation officers, and practitioners have had an opportunity to apply and comment on the policy statements.

In developing these policy statements, the Commission assembled two outside working groups of experienced probation officers representing every circuit in the nation, officials from the Probation Division of the Administrative Office of the U.S. Courts, the General Counsel's office at the Administrative Office of the U.S. Courts, and the U.S. Parole Commission. In addition, a number of federal judges, members of the Criminal Law and Probation Administration Committee of the Judicial Conference, and representatives from the Department of Justice and federal and community defenders provided considerable input into this effort.'';

and by inserting at the end the following new Subpart 5:

''*5. Updating the Approach*

The Commission viewed the original policy statements for revocation of probation and supervised release as the first step in an evolutionary process. The Commission intended to revise its approach after judges, probation officers, and practitioners have had an opportunity to apply and comment on the policy statements. In the three decades since the promulgation of those policy statements, a broad array of stakeholders has identified the need for more flexible, individualized responses to violations of supervised release.

In response, the Commission updated the policy statements in this Chapter to ensure judges have the discretion necessary to properly manage supervised release. The revised policy statements encourage judges to take an individualized approach in: (1) responding to allegations of non-compliance before initiating revocation proceedings; (2) addressing violations found during revocation proceedings; and (3) imposing a sentence of imprisonment upon revocation. These changes are intended to better allocate taxpayer dollars and probation resources, encourage compliance and improve public safety, and facilitate the reentry and rehabilitation of defendants.

This Chapter proceeds in two parts: Part B addresses violations of probation, and Part C addresses violations of supervised release. Both parts maintain an approach in which the court addresses primarily the defendant's failure to comply with court-ordered conditions, while reflecting, to a limited degree, the seriousness of the underlying violation and the criminal history of the individual. The Commission determined that violations of probation and supervised release should be addressed separately to reflect their different purposes. While probation serves a punitive function, supervised release 'fulfills rehabilitative ends, distinct from those served by incarceration,' *United States* v. *Johnson,* 529 U.S. 53, 59 (2000). In light of these differences, Part B continues to recommend revocation for most probation violations. Part C encourages courts to consider a graduated response to a violation of supervised release, including considering all available options focused on facilitating a defendant's transition into the community and promoting public safety. Parts B and C both recognize the important role of the court, which is best situated to consider the individual defendant's risks and needs and respond accordingly within its broad discretion.''.

Chapter Seven, Part B is amended in the Introductory Commentary—

in the paragraph that begins ''The policy statements'' by striking ''chapter'' and inserting ''part''; and by striking ''supervision'' and inserting ''probation'';

by striking the following paragraph:

''Because these policy statements focus on the violation of the court-ordered supervision, this chapter, to the extent permitted by law, treats violations of the conditions of probation and supervised release as functionally equivalent.'';

by striking the last paragraph as follows:

''This chapter is applicable in the case of a defendant under supervision for a felony or Class A misdemeanor. Consistent with § 1B1.9 (Class B or C Misdemeanors and Infractions), this chapter does not apply in the case of a defendant under supervision for a Class B or C misdemeanor or an infraction.''

and by inserting at the end the following new paragraph:

''This part is applicable in the case of a defendant on probation for a felony or Class A misdemeanor. Consistent with § 1B1.9 (Class B or C Misdemeanors and Infractions), this part does not apply in the case of a defendant on probation for a Class B or C misdemeanor or an infraction.''.

Section 7B1.1 is amended—

in subsection (a) by striking ''and supervised release'';

in subsection (a)(3) by striking ''supervision'' and inserting ''probation'';

and in subsection (b) by striking ''supervision'' and inserting ''probation''.

The Commentary to § 7B1.1 captioned ''Application Notes'' is amended—

in Note 1 by striking ''18 U.S.C. 3563(a)(1) and 3583(d), a mandatory condition of probation and supervised release'' and inserting ''18 U.S.C.

3563(a)(1), a mandatory condition of probation'';

and in Note 5 by striking ''under supervision'' and inserting ''on probation''.

Section 7B1.2 is amended in the heading by striking ''and Supervised Release''.

Section 7B1.3 is amended—

in the heading by striking ''or Supervised Release'';

in subsection (a)(1) by striking ''or supervised release'';

in subsection (a)(2) by striking ''revoke probation or supervised release; or (B) extend the term of probation or supervised release and/or modify the conditions of supervision'' and inserting ''revoke probation; or (B) extend the term of probation and/or modify the conditions thereof'';

in subsection (b) by striking ''or supervised release'';

in subsection (e) by striking ''or supervised release'' both places such phrase appears;

in subsection (f) by striking ''or supervised release'' both places such phrase appears;

in subsection (g) by striking the following:

''(1) If probation is revoked and a term of imprisonment is imposed, the provisions of §§ 5D1.1–1.3 shall apply to the imposition of a term of supervised release.

(2) If supervised release is revoked, the court may include a requirement that the defendant be placed on a term of supervised release upon release from imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release. 18 U.S.C. 3583(h).'';

and inserting the following:

''If probation is revoked and a term of imprisonment is imposed, the provisions of §§ 5D1.1–1.3 shall apply to the imposition of a term of supervised release.''.

The Commentary to § 7B1.3 captioned ''Application Notes'' is amended—

in Note 1 by striking ''or supervised release''; and by striking ''supervision'' both places such term appears and inserting ''probation'';

by striking Note 2 as follows:

''2. The provisions for the revocation, as well as early termination and extension, of a term of supervised release are found in 18 U.S.C. 3583(e), (g)–(i). Under 18 U.S.C. 3583(h) (effective September 13, 1994), the court, in the case of revocation of supervised release, may order an additional period of supervised release to follow imprisonment.'';

by redesignating Notes 3, 4, and 5 as Notes 2, 3, and 4, respectively;

in Note 2 (as so redesignated) by striking ''or supervised release''; and by striking ''Bureau of Prisons'' and inserting ''Federal Bureau of Prisons'';

in Note 3 (as so redesignated) by striking ''or supervised release'' both places such phrase appears;

and in Note 4 (as so redesignated) by striking ''. Intermittent confinement is authorized as a condition of supervised release during the first year of supervised release, but only for a violation of a condition of supervised release in accordance with 18 U.S.C. 3583(e)(2) and only when facilities are available. *See*'' and inserting ''; *see also*''.

Section 7B1.4 is amended in the heading by striking ''*Imprisonment*'' and inserting ''*Imprisonment—Probation*'';

Section 7B1.4(a) is amended in the Table—

in the heading by striking ''*Revocation Table*'' and inserting ''*Probation Revocation Table*'';

by striking the following:

''*Grade A (1)* Except as provided in subdivision (2) below:

12–18 15–21 18–24 24–30 30–37 33–41

(2) Where the defendant was on probation or supervised release as a result of a sentence for a Class A felony:

24–30 27–33 30–37 37–46 46–57 51–63.

* The criminal history category is the category applicable at the time the defendant originally was sentenced to a term of supervision.'';

and by inserting at the end the following:

''*Grade A* 12–18 15–21 18–24 24–30 30–37 33–41.

* The criminal history category is the category applicable at the time the defendant originally was sentenced to a term of probation.''.

The Commentary to § 7B1.4 captioned ''Application Notes'' is amended—

in Note 1 by striking ''supervision'' each place such term appears and inserting ''probation'';

in Note 2 by striking ''Revocation Table'' and inserting ''Probation Revocation Table''; and by striking ''supervision'' both places such term appears and inserting ''probation'';

in Note 3 by striking ''under supervision'' and inserting ''on probation'';

in Note 5 by striking ''or supervised release'' both places such phrase appears; and by striking ''18 U.S.C. 3565(b), 3583(g)'' and inserting ''18 U.S.C. 3565(b)'';

and in Note 6 by striking ''18 U.S.C. 3565(b) and 3583(g). 18 U.S.C. 3563(a), 3583(d)'' and inserting ''18 U.S.C. 3565(b). 18 U.S.C. 3563(a)''.

Section 7B1.5 is amended—

in the heading by striking ''*Under Supervision*'' and inserting ''*on Probation*'';

by striking subsections (a), (b), and (c) as follows:

''(a) Upon revocation of probation, no credit shall be given (toward any sentence of imprisonment imposed) for any portion of the term of probation served prior to revocation.

(b) Upon revocation of supervised release, no credit shall be given (toward any term of imprisonment ordered) for time previously served on post-release supervision.

(c) *Provided,* that in the case of a person serving a period of supervised release on a foreign sentence under the provisions of 18 U.S.C. 4106A, credit shall be given for time on supervision prior to revocation, except that no credit shall be given for any time in escape or absconder status.'';

and inserting the following:

''Upon revocation of probation, no credit shall be given (toward any sentence of imprisonment imposed) for any portion of the term of probation served prior to revocation.''.

The Commentary to § 7B1.5 is amended by striking the Commentary captioned ''Application Note'' in its entirety as follows:

''*Application Note:*

1. Subsection (c) implements 18 U.S.C. 4106A(b)(1)(C), which provides that the combined periods of imprisonment and supervised release in transfer treaty cases shall not exceed the term of imprisonment imposed by the foreign court.''.

The Commentary to § 7B1.5 captioned ''Background'' is amended by striking ''or supervised release''; by striking ''with supervision'' and inserting ''with probation''; and by striking ''under supervision'' and inserting ''on probation''.

Chapter Seven is amended by inserting at the end the following new Part C:

''*Part C—Supervised Release Violations*

Introductory Commentary

At the time of original sentencing, the court may impose a term of supervised release to follow the sentence of imprisonment. *See* 18 U.S.C. 3583(a). During that term, the court may receive allegations that the supervisee has violated a term of supervision. In

responding to such allegations, addressing a violation found during revocation proceedings, and imposing a sentence upon revocation, the court should conduct the same kind of individualized assessment used 'in determining whether to include a term of supervised release, and, if a term of supervised release is to be included, in determining the length of the term and the conditions of supervised release.' *See* 18 U.S.C. 3583(c), (e); Application Note 1 to § 5D1.1 (Imposition of a Term of Supervised Release).

If the court finds that the defendant violated a condition of supervised release, it may continue the defendant on supervised release under existing conditions, modify the conditions, extend the term, or revoke supervised release and impose a term of imprisonment. *See* 18 U.S.C. 3583(e)(3). The court also has authority to terminate a term of supervised release and discharge the defendant at any time after the expiration of one year of supervised release if it is satisfied that such action is warranted by the conduct of the defendant and the interest of justice. 18 U.S.C. 3583(e)(1).

Because supervised release is intended to promote rehabilitation and ease the defendant's transition back into the community, the Commission encourages courts—where possible—to consider a wide array of options to respond to non-compliant behavior and violations of the conditions of supervised release. These interim steps before revocation are intended to allow courts to address the defendant's failure to comply with court-imposed conditions and to better address the needs of the defendant while also maintaining public safety. If revocation is mandated by statute or the court otherwise determines revocation to be necessary, the sentence imposed upon revocation should be tailored to address the failure to abide by the conditions of the court-ordered supervision; imposition of an appropriate punishment for new criminal conduct is not the primary goal of a revocation sentence. The determination of the appropriate sentence on any new criminal conviction that is also a basis of the violation should be a separate determination for the court having jurisdiction over such conviction.

§ 7C1.1. Classification of Violations (Policy Statement)

(a) There are four grades of supervised release violations:

(1) *Grade A Violations*—conduct constituting (A) a federal, state, or local offense punishable by a term of imprisonment exceeding one year that (i) is a crime of violence, (ii) is a controlled substance offense, or (iii) involves possession of a firearm or destructive device of a type described in 26 U.S.C. 5845(a); or (B) any other federal, state, or local offense punishable by a term of imprisonment exceeding twenty years;

(2) *Grade B Violations*—conduct constituting any other federal, state, or local offense punishable by a term of imprisonment exceeding one year;

(3) *Grade C Violations*—conduct constituting a federal, state, or local offense punishable by a term of imprisonment of one year or less;

(4) *Grade D Violations*—a violation of any other condition of supervised release.

(b) Where there is more than one violation of the conditions of supervised release, or the violation includes conduct that constitutes more than one offense, the grade of the violation is determined by the violation having the most serious grade.

Commentary

Application Notes:

1. Under 18 U.S.C. 3583(d), a mandatory condition of supervised release is that the defendant not commit another federal, state, or local crime. A violation of this condition may be charged whether or not the defendant has been the subject of a separate federal, state, or local prosecution for such conduct. The grade of violation does not depend upon the conduct that is the subject of criminal charges or of which the defendant is convicted in a criminal proceeding. Rather, the grade of the violation is to be based on the defendant's actual conduct.

2. 'Crime of violence' is defined in § 4B1.2 (Definitions of Terms Used in Section 4B1.1). *See* § 4B1.2(a) and Application Note 1 of the Commentary to § 4B1.2.

3. 'Controlled substance offense' is defined in § 4B1.2 (Definitions of Terms Used in Section 4B1.1). *See* § 4B1.2(b) and Application Note 1 of the Commentary to § 4B1.2.

4. A 'firearm or destructive device of a type described in 26 U.S.C. 5845(a)' includes a shotgun, or a weapon made from a shotgun, with a barrel or barrels of less than 18 inches in length; a weapon made from a shotgun or rifle with an overall length of less than 26 inches; a rifle, or a weapon made from a rifle, with a barrel or barrels of less than 16 inches in length; a machine gun; a muffler or silencer for a firearm; a destructive device; and certain large bore weapons.

5. Where the defendant is on supervised release in connection with a felony conviction, or has a prior felony conviction, possession of a firearm (other than a firearm of a type described in 26 U.S.C. 5845(a)) will generally constitute a Grade B violation, because 18 U.S.C. 922(g) prohibits a convicted felon from possessing a firearm. The term 'generally' is used in the preceding sentence, however, because there are certain limited exceptions to the applicability of 18 U.S.C. 922(g). *See, e.g.,* 18 U.S.C. 925(c).

§ 7C1.2. Reporting of Violations of Supervised Release (Policy Statement)

(a) The probation officer shall promptly report to the court any alleged Grade A or B violation.

(b) The probation officer shall promptly report to the court any alleged Grade C or D violation unless the officer determines: (1) that such violation is minor, and not part of a continuing pattern of violations; and (2) that non-reporting will not present an undue risk to an individual or the public or be inconsistent with any directive of the court relative to the reporting of violations.

Commentary

Application Note:

1. Under subsection (b), a Grade C or D violation must be promptly reported to the court unless the probation officer makes an affirmative determination that the alleged violation meets the criteria for non-reporting. For example, an isolated failure to file a monthly report or a minor traffic infraction generally would not require reporting.

§ 7C1.3. Responses to Violations of Supervised Release (Policy Statement)

(a) *Allegation of Non-Compliance.*—Upon receiving an allegation that the defendant is in non-compliance with a condition of supervised release, the court should conduct an individualized assessment to determine what response, if any, is appropriate. [When warranted by an individualized assessment, the court may, for example:

(1) Continue the term of supervised release without modification;

(2) Extend the term of supervised release and/or modify the conditions thereof;

(3) Terminate the term of supervised release, if more than one year of the term of supervised release has expired; or

(4) Initiate revocation proceedings.]

[Option 1 (Mandatory Revocation only when Statutorily Required):

(b) *Finding of a Violation.*—Upon a finding of a violation for which revocation is not required by statute, the court should conduct an individualized

assessment to determine what response, if any, is appropriate. When warranted by an individualized assessment, the court may:

(1) Continue the term of supervised release without modification;

(2) Extend the term of supervised release and/or modify the conditions thereof;

(3) Terminate the term of supervised release, if more than one year of the term of supervised release has expired; or

(4) Revoke supervised release.

(c) Upon a finding of a violation for which revocation is required by statute, the court shall revoke supervised release. *See* 18 U.S.C. 3583(g).]

[Option 2 (Mandatory Revocation when Statutorily Required and for Grade A and B Violations):

(b) *Finding of a Violation.*—Upon a finding of a violation for which revocation is required by statute (*see* 18 U.S.C. 3583(g)) or a Grade A or B violation, the court shall revoke supervised release.

(c) Upon a finding of any other violation, the court should conduct an individualized assessment to determine what response, if any, is appropriate. When warranted by an individualized assessment, the court may:

(1) Continue the term of supervised release without modification;

(2) Extend the term of supervised release and/or modify the conditions thereof;

(3) Terminate the term of supervised release, if more than one year of the term of supervised release has expired; or

(4) Revoke supervised release.]

Commentary

Application Notes:

1. *Individualized Assessment.*—When making an individualized assessment under this section, the factors to be considered are the same as the factors considered in determining whether to impose a term of supervised release. *See* 18 U.S.C. 3583(c), (e); Application Note 2 to § 5D1.1 (Imposition of a Term of Supervised Release).

[2. *Application of Subsection (a).*—Examples of responses to an allegation of non-compliance with a condition of supervised release include continuing a violation hearing to provide the defendant time to come into compliance or directing the defendant to additional resources needed to come into compliance.]

§ 7C1.4. Revocation of Supervised Release (Policy Statement)

[Option 1 (Concurrent or Consecutive Sentences):

(a) In the case of a revocation of supervised release, the court shall conduct an individualized assessment to determine:

(1) the appropriate length of the term of imprisonment, given the recommended range of imprisonment set forth in § 7C1.5 (Term of Imprisonment—Supervised Release (Policy Statement)); and

(2) whether that term should be served concurrently, partially concurrently, or consecutively to any sentence of imprisonment that the defendant is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of supervised release.]

[Option 2 (Consecutive Sentences Only):

(a) In the case of a revocation of supervised release, the court shall conduct an individualized assessment to determine the appropriate length of the term of imprisonment, given the recommended range of imprisonment set forth in § 7C1.5 (Term of Imprisonment—Supervised Release (Policy Statement)).

(b) Any term of imprisonment imposed upon the revocation of supervised release should be ordered to be served consecutively to any sentence of imprisonment that the defendant is serving, whether or not the sentence of imprisonment being served resulted from the conduct that is the basis of the revocation of supervised release.]

([b][c]) If supervised release is revoked, the court may include a requirement that the defendant be placed on a term of supervised release upon release from imprisonment. The length of such a term of supervised release shall not exceed the term of supervised release authorized by statute for the offense that resulted in the original term of supervised release, less any term of imprisonment that was imposed upon revocation of supervised release. 18 U.S.C. 3583(h).

Commentary

Application Notes:

1. *Individualized Assessment.*—When making an individualized assessment under subsection (a), the factors to be considered are the same as the factors considered in determining whether to impose a term of supervised release. *See* 18 U.S.C. 3583(c), (e); Application Note 1 to § 5D1.1 (Imposition of a Term of Supervised Release).

2. The provisions for the revocation, as well as early termination and extension, of a term of supervised release are found in 18 U.S.C. 3583(e), (g)–(i). Under 18 U.S.C. 3583(h) (effective September 13, 1994), the court, in the case of revocation of supervised release, may order an additional period of supervised release to follow imprisonment.

3. In the case of a revocation based, at least in part, on a violation of a condition specifically pertaining to community confinement, intermittent confinement, or home detention, use of the same or a less restrictive sanction is not recommended.

4. Any restitution, fine, community confinement, home detention, or intermittent confinement previously imposed in connection with the sentence for which revocation is ordered that remains unpaid or unserved at the time of revocation shall be ordered to be paid or served in addition to the sanction determined under § 7C1.5 (Term of Imprisonment—Supervised Release), and any such unserved period of community confinement, home detention, or intermittent confinement may be converted to an equivalent period of imprisonment.

§ 7C1.5. Term of Imprisonment—Supervised Release (Policy Statement)

Unless otherwise required by statute, and subject to an individualized assessment, the recommended range of imprisonment applicable upon revocation is set forth in the following table:

SUPERVISED RELEASE REVOCATION TABLE

[In months of imprisonment]

	Criminal history category *					
Grade of violation	I	II	III	IV	V	VI
Grade D	Up to 7	2–8	3–9	4–10	5–11	6–12
Grade C	3–9	4–10	5–11	6–12	7–13	8–14

SUPERVISED RELEASE REVOCATION TABLE—Continued

[In months of imprisonment]

Grade of violation	Criminal history category *					
	I	II	III	IV	V	VI
Grade B	4–10	6–12	8–14	12–18	18–24	21–27
Grade A	*(1)* Except as provided in subdivision (2) below:					
	12–18	15–21	18–24	24–30	30–37	33–41
	(2) Where the defendant was on supervised release as a result of a sentence for a Class A felony:					
	24–30	27–33	30–37	37–46	46–57	51–63

* The criminal history category is the category applicable at the time the defendant originally was sentenced to a term of supervised release.

Commentary

Application Notes:

1. The criminal history category to be used in determining the applicable range of imprisonment in the Supervised Release Revocation Table is the category determined at the time the defendant originally was sentenced to the term of supervision. The criminal history category is not to be recalculated because the ranges set forth in the Supervised Release Revocation Table have been designed to take into account that the defendant violated supervision. In the rare case in which no criminal history category was determined when the defendant originally was sentenced to the term of supervision being revoked, the court shall determine the criminal history category that would have been applicable at the time the defendant originally was sentenced to the term of supervision. (*See* the criminal history provisions of §§ 4A1.1–4B1.4.)

2. In the case of a Grade D violation and a criminal history category of I, the recommended range of imprisonment in the Supervised Release Revocation Table is up to 7 months. This range allows for a sentence of less than 1 month.

3. Departure from the applicable range of imprisonment in the Supervised Release Revocation Table may be warranted when the court departed from the applicable range for reasons set forth in § 4A1.3 (Departures Based on Inadequacy of Criminal History Category) in originally imposing the sentence that resulted in supervised release. Additionally, an upward departure may be warranted when a defendant, subsequent to the federal sentence resulting in supervised release, has been sentenced for an offense that is not the basis of the violation proceeding.

4. In the case of a Grade C or D violation that is associated with a high risk of new felonious conduct (*e.g.,* a defendant, under supervised release for conviction of criminal sexual abuse, violates the condition that the defendant not associate with children by loitering near a schoolyard), an upward departure may be warranted.

5. Where the original sentence was the result of a downward departure (*e.g.,* as a reward for substantial assistance), or a charge reduction that resulted in a sentence below the guideline range applicable to the defendant's underlying conduct, an upward departure may be warranted.

6. Upon a finding that a defendant violated a condition of supervised release by being in possession of a controlled substance or firearm or by refusing to comply with a condition requiring drug testing, the court is required to revoke supervised release and impose a sentence that includes a term of imprisonment. 18 U.S.C. 3583(g).

7. The availability of appropriate substance abuse programs, or a defendant's current or past participation in such programs, may warrant an exception from the requirement of mandatory revocation and imprisonment under 18 U.S.C. 3583(g). 18 U.S.C. 3583(d).

§ 7C1.6. No Credit for Time Under Supervision (Policy Statement)

(a) Upon revocation of supervised release, no credit shall be given (toward any term of imprisonment ordered) for time previously served on post-release supervision. *See* 18 U.S.C. 3583(e)(3).

(b) *Provided,* that in the case of a person serving a period of supervised release on a foreign sentence under the provisions of 18 U.S.C. 4106A, credit shall be given for time on supervision prior to revocation, except that no credit shall be given for any time in escape or absconder status.

Commentary

Application Note:

1. Subsection (b) implements 18 U.S.C. 4106A(b)(1)(C), which provides that the combined periods of imprisonment and supervised release in transfer treaty cases shall not exceed the term of imprisonment imposed by the foreign court.

Background: This section provides that time served on supervised release is not to be credited in the determination of any term of imprisonment imposed upon revocation. Other aspects of the defendant's conduct, such as compliance with supervision conditions and adjustment while under supervision, appropriately may be considered by the court in the determination of the sentence to be imposed within the applicable revocation range.''.

Issues for Comment

1. Part B of the proposed amendment adds language to address feedback indicating both that courts and probation officers should be afforded more discretion in their ability to address a defendant's non-compliant behavior while on supervised release and that they would benefit from more guidance concerning revocations of supervised release.

(A) Part B would include throughout Chapter Seven, Part C (Supervised Release Violations) a recommendation that courts use an ''individualized assessment'' based on the statutory factors listed in 18 U.S.C. 3583(e) when addressing non-compliant behavior. The Commission seeks comment on whether the recommendation of an individualized assessment based on statutory factors is sufficient to provide both discretion and useful guidance.

(B) New policy statement § 7C1.3 (Responses to Violations of Supervised Release (Policy Statement)) includes in the Commentary examples of how a court might address allegations of non-

compliant behavior short of the more formal options listed in 18 U.S.C. 3583(e). In addition, Part B maintains instructions on violations related to community confinement conditions in the Commentary to new policy statement § 7C1.4 (Revocation of Supervised Release (Policy Statement)). The Commission seeks comment on whether such guidance should be retained or deleted and whether similar guidance should be included elsewhere. If the Commission provides further guidance, what should that guidance be?

(C) Is there any other approach the Commission should consider to provide courts with appropriate discretion while also providing useful guidance, either throughout Chapter Seven, Part C, or for certain guideline provisions?

2. Part B of the proposed amendment includes two options to address when revocation is required or appropriate under new § 7C1.3 (Responses to Violations of Supervised Release (Policy Statement)). Option 1 would remove the language indicating that revocation is mandatory in all cases of Grade A or B violations and provide that the court should conduct an individualized assessment to determine whether to revoke in any cases that revocation is not required by statute. Option 2 would duplicate the language in § 7B1.3(a) that provides that ''the court shall revoke'' supervised release upon a finding of a Grade A or B violation and may revoke in other cases. Should the Commission continue to provide guidance tying whether revocation is required to the grade of the violation, or should the Commission remove this instruction and permit courts to make revocation determinations based on an individualized assessment in all cases? If the latter, should the Commission provide further guidance about when revocation is appropriate?

3. Given the proposed amendment's goal of promoting judicial discretion at revocation, the Commission seeks comment on whether it should replace the Supervised Release Revocation Table set forth in proposed § 7C1.4 (Term of Imprisonment—Supervised Release) with guidance indicating that courts abide by the statutory limits regarding maximum and minimum terms. If the Commission decides to retain the Revocation Table, would any further changes beyond those set forth in Part B of the proposed amendment be appropriate? For example, should the Commission recommend a sentence range that begins at less than one month in all cases, not just those involving Grade D violations for individuals in Criminal History Category I? Should it eliminate the higher set of ranges for cases in which the defendant is on supervised release as a result of a sentence for a Class A felony?

4. The Commission further seeks comment on whether and how a retained Supervised Release Revocation Table should make recommendations to courts regarding their consideration of criminal history. Should the defendant's criminal history category be recalculated at the time of revocation for a violation of supervised release? For example, should a court recalculate a defendant's criminal history score to exclude prior sentences that are no longer countable under the rules in § 4A1.2 (Definitions and Instructions for Computing Criminal History) or to account for new offenses a defendant may have been sentenced for after commission of the offense for which probation or supervised release is being revoked?

5. The Commission seeks comment on whether it should issue more specific guidance on the appropriate response to Grade D violations. Should the Commission state that revocation is not ordinarily appropriate for such violations, unless revocation is required under 18 U.S.C. 3583(g)? Should the Commission further state that revocation may be appropriate for Grade D violations if there have been multiple violations or if the court determines that revocation is necessary for protection of the public? Would such statements imply that revocation is ordinarily appropriate for Grade A, B, and C violations?

6. The recommended ranges of imprisonment set forth in the Revocation Tables at § 7B1.4 (Term of Imprisonment—Probation) and § 7C1.4 (Term of Imprisonment—Supervised Release) are determined, in part, by the defendant's criminal history category. For both tables, the criminal history category ''is the category applicable at the time the defendant originally was sentenced'' to a term of probation or supervised release. The Commission seeks comment on whether a defendant's criminal history score should be recalculated at the time of revocation to reflect changes made by amendments listed in subsection (d) of § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline Range (Policy Statement)) if one or more of those amendments have the effect of lowering the defendant's criminal history category. For example, Part A of Amendment 821, which is applied retroactively, limits the overall criminal history impact of ''status points,'' potentially resulting in a defendant's criminal history being lowered (*e.g.,* a defendant assigned criminal history category IV at the time of original sentencing may have that category reduced to III). Should the Revocation Tables at § 7B1.4 (Term of Imprisonment—Probation) and § 7C1.4 (Term of Imprisonment—Supervised Release) allow for a defendant to benefit from these types of retroactive changes? Should these changes apply equally to both tables or, given the different purposes of probation and supervised release, should the Commission adopt different rules for each table?

2. Drug Offenses

Synopsis of Proposed Amendment: This proposed amendment contains five parts (Parts A through E). The Commission is considering whether to promulgate any or all of these parts, as they are not mutually exclusive.

Part A of the proposed amendment includes two subparts to address concerns that the Drug Quantity Table at subsection (c) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) overly relies on drug type and quantity as a measure of offense culpability and results in sentences greater than necessary to accomplish the purposes of sentencing. Subpart 1 sets forth three options for amending § 2D1.1 to set the highest base offense level in the Drug Quantity Table at a lower base offense level. Subpart 2 sets forth two options for amending § 2D1.1 to add a new specific offense characteristic providing for a reduction relating to low-level trafficking functions. Both subparts include issues for comment.

Part B of the proposed amendment includes two subparts. Subpart 1 would amend § 2D1.1 to address offenses involving ''Ice.'' Subpart 2 sets forth two options for amending § 2D1.1 to address the purity distinction in § 2D1.1 between methamphetamine in ''actual'' form and methamphetamine as part of a mixture. Both subparts include issues for comment.

Part C of the proposed amendment would amend § 2D1.1 to revise the enhancement for misrepresentation of fentanyl and fentanyl analogue at subsection (b)(13). Issues for comment are also provided.

Part D of the proposed amendment addresses the application of § 2D1.1(b)(1) to machineguns. An issue for comment is also provided.

Part E of the proposed amendment would amend the Commentary to § 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases) to address the manner by

which a defendant may satisfy § 5C1.2(a)(5)'s requirement of providing truthful information and evidence to the Government. An issue for comment is also provided.

(A) Recalibrating the Use of Drug Weight in § 2D1.1

Synopsis of Proposed Amendment: Part A of the proposed amendment contains two subparts (Subpart 1 and Subpart 2). The Commission is considering whether to promulgate one or both of these subparts, as they are not mutually exclusive.

Subpart 1 sets forth three options for amending § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to set the highest base offense level in the Drug Quantity Table at subsection (c) at a lower base offense level.

Subpart 2 sets forth two options for amending § 2D1.1 to add a new specific offense characteristic providing for a reduction relating to low-level trafficking functions.

Drug Penalties in General

The most commonly prosecuted federal drug statutes prohibit the manufacture, distribution, importation, and exportation of controlled substances. The statutory penalties for these offenses vary based on (1) the quantity of the drug, (2) the defendant's prior commission of certain felony offenses, and (3) any serious bodily injury or death that resulted from using the drug. Section 2D1.1 applies to violations of 21 U.S.C. 841 and 960, among other drug statutes. This guideline provides five alternative base offense levels, 18 specific offense characteristics, and two cross references.

The first four base offense levels, set out in § 2D1.1(a)(1)–(a)(4), apply when the defendant was convicted of an offense under 21 U.S.C. 841(b) or § 960(b) to which the applicable enhanced statutory minimum or maximum term of imprisonment applies or when the parties have stipulated to such an offense or such base offense level. The fifth base offense level, at § 2D1.1(a)(5), applies in any other case and sets forth as the base offense level ''the offense level specified in the Drug Quantity Table,'' subject to special provisions that apply when a defendant receives a mitigating role adjustment under § 3B1.2 (Mitigating Role).

The Drug Quantity Table at § 2D1.1(c) applies in the overwhelming majority of drug cases. The penalty structure of the Drug Quantity Table is based on the penalty structure of federal drug laws for most major drug types. That penalty structure generally establishes several tiers of penalties for manufacturing and trafficking in controlled substances, each based on the type and quantity of controlled substances involved. *See generally* 21 U.S.C. 841(b)(1)(A), (B), (C), 960(b)(1), (2), (3). Thus, the offense levels set forth in the Drug Quantity Table depend primarily on drug type and drug quantity. For most drugs listed in the Drug Quantity Table, quantity is determined by the drug's weight. The Drug Quantity Table also includes ''Converted Drug Weight,'' which is used to determine the base offense level in two circumstances: (1) when the defendant's relevant conduct involves two or more controlled substances (and not merely a single mixture of two substances); and (2) when the defendant's relevant conduct involves a controlled substance not specifically listed on the Drug Quantity Table. In either situation, the weight of the controlled substances is converted into a Converted Drug Weight using the Drug Conversion Tables set forth in Application Note 8(D) of the Commentary to § 2D1.1.

Section 2D1.1 generally incorporates the statutory mandatory minimum sentences into the guidelines and extrapolates upward and downward to set offense levels for all drug quantities. Under the original guidelines, the quantity thresholds in the Drug Quantity Table were set to provide base offense levels corresponding to guideline ranges that were slightly above the statutory mandatory minimum penalties. Accordingly, offenses involving drug quantities that triggered a five-year statutory minimum were assigned a base offense level of 26, corresponding to a sentencing guideline range of 63 to 78 months for a defendant in Criminal History Category I (a guideline range that exceeds the five-year statutory minimum for such offenses by at least three months). Similarly, offenses that triggered a ten-year statutory minimum were assigned a base offense level of 32, corresponding to a sentencing guideline range of 121 to 151 months for a defendant in Criminal History Category I (a guideline range that exceeds the ten-year statutory minimum for such offenses by at least one month).

In 2014, the Commission determined that setting the base offense levels slightly above the mandatory minimum penalties was no longer necessary and instead set the base offense levels to straddle the mandatory minimum penalties. *See* USSG App. C, amend. 782 (effective Nov. 1, 2014). Accordingly, offenses involving drug quantities that trigger a five-year statutory minimum are assigned a base offense level of 24, corresponding to a sentencing guideline range of 51 to 63 months for a defendant in Criminal History Category I (a guideline range that straddles the five-year statutory minimum). Similarly, offenses that trigger a ten-year statutory minimum are assigned a base offense level of 30, corresponding to a sentencing guideline range of 97 to 121 months for a defendant in Criminal History Category I (a guideline range that straddles the ten-year statutory minimum).

Feedback From Stakeholders

The Commission has received comment over the years indicating that § 2D1.1 overly relies on drug type and quantity as a measure of offense culpability and results in sentences greater than necessary to accomplish the purposes of sentencing. Some commenters have suggested that the Commission should again lower penalties in § 2D1.1, citing Commission data indicating that judges impose sentences below the guideline range in most drug trafficking cases. Commission data reflects that the difference between the average guideline minimum and average sentence imposed varies depending on the base offense level, with the greatest difference occurring at the highest offense levels on the Drug Quantity Table. In addition, commenters have raised concerns that the mitigating role adjustment from Chapter Three, Part B (Role in the Offense) is applied inconsistently in drug trafficking cases and does not adequately reflect individuals' roles in drug trafficking offenses.

Subpart 1 (Setting a New Highest Base Offense Level in Drug Quantity Table)

Subpart 1 of Part A of the proposed amendment sets forth three options for amending § 2D1.1 to set the highest base offense level in the Drug Quantity Table at subsection (c) at a lower base offense level.

Option 1 would set the highest base offense level in the Drug Quantity Table at level 34. Accordingly, it would delete subsections (c)(1) and (c)(2) of the table, redesignate subsection (c)(3) as subsection (c)(1), and renumber the remainder of the provisions of the table accordingly.

Option 2 would set the highest base offense level in the Drug Quantity Table at level 32. Accordingly, it would delete subsections (c)(1) through (c)(3) of the table, redesignate subsection (c)(4) as subsection (c)(1), and renumber the

remainder of the provisions of the table accordingly.

Option 3 would set the highest base offense level in the Drug Quantity Table at level 30. Accordingly, it would delete subsections (c)(1) through (c)(4) of the table, redesignate subsection (c)(5) as subsection (c)(1), and renumber the remainder of the provisions of the table accordingly.

Subpart 1 brackets § 2D1.1(a)(5) to indicate that all three options would require changes to the special provisions that apply when a defendant receives a mitigating role adjustment under § 3B1.2. The third issue for comment below provides some background information on § 2D1.1(a)(5) and sets forth a request for comment on the changes that should be made to this provision in light of the revisions proposed by the three options described above.

Additional issues for comment are also provided.

Subpart 2 (New Trafficking Functions Adjustment)

Subpart 2 of Part A of the proposed amendment would add a new specific offense characteristic providing for a [2][4][6]-level reduction relating to low-level trafficking functions. It provides two options for this new reduction.

Option 1 would make the reduction applicable if § 2D1.1(b)(2) (relating to use of violence) does not apply, [the defendant did not possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense,] and [the defendant's most serious conduct in the offense was limited to][the defendant's primary function in the offense was] performing any of the low-level trafficking functions listed in the new provision.

Option 2, like Option 1, would make the reduction applicable if § 2D1.1(b)(2) does not apply, [the defendant did not possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense,] and [the defendant's most serious conduct in the offense was limited to][the defendant's primary function in the offense was] a low-level trafficking function. However, unlike Option 1, Option 2 would not list low-level trafficking functions to which the reduction would necessarily apply. Instead, Option 2 would list functions that may qualify for the reduction as examples.

Both options would include a provision indicating that the reduction at proposed § 2D1.1(b)(17) shall apply regardless of whether the defendant acted alone or in concert with others. In addition, Options 1 and 2 would add a special instruction to § 2D1.1 providing that § 3B1.2 does not apply to cases where the defendant's offense level is determined under § 2D1.1. It would also include a new application note in the Commentary to § 2D1.1 relating to the new low-level trafficking functions adjustment. The new application note would provide guidance taken from the Commentary to § 3B1.2. Options 1 and 2 would also make conforming changes in § 2D1.1 to replace all references to § 3B1.2 with references to the new low-level trafficking functions reduction. These conforming changes include tying the additional decreases and mitigating role cap at § 2D1.1(a)(5) to the application of the proposed reduction at new § 2D1.1(b)(17) for low-level trafficking functions.

Issues for comment are also provided.

Subpart 1 (Setting a New Highest Base Offense Level in Drug Quantity Table)

Proposed Amendment

[Options 1, 2, and 3 set forth in this subpart would require changes to § 2D1.1(a)(5). See the third issue for comment below on possible changes that should be made to § 2D1.1(a)(5) in light of the revisions proposed by these three options.]

[Option 1 (Highest Base Offense Level at Level 34):

Section 2D1.1(c) is amended—

by striking paragraphs (1), (2), and (3) as follows:

''(1) • 90 KG or more of Heroin; Level 38

• 450 KG or more of Cocaine;

• 25.2 KG or more of Cocaine Base;

• 90 KG or more of PCP, or 9 KG or more of PCP (actual);

• 45 KG or more of Methamphetamine, or

4.5 KG or more of Methamphetamine (actual), or

4.5 KG or more of 'Ice';

• 45 KG or more of Amphetamine, or

4.5 KG or more of Amphetamine (actual);

• 900 G or more of LSD;

• 36 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);

• 9 KG or more of a Fentanyl Analogue;

• 90,000 KG or more of Marihuana;

• 18,000 KG or more of Hashish;

• 1,800 KG or more of Hashish Oil;

• 90,000,000 units or more of Ketamine;

• 90,000,000 units or more of Schedule I or II Depressants;

• 5,625,000 units or more of Flunitrazepam;

• 90,000 KG or more of Converted Drug Weight.

(2) • At least 30 KG but less than 90 KG of Heroin; Level 36

• At least 150 KG but less than 450 KG of Cocaine;

• At least 8.4 KG but less than 25.2 KG of Cocaine Base;

• At least 30 KG but less than 90 KG of PCP, or

at least 3 KG but less than 9 KG of PCP (actual);

• At least 15 KG but less than 45 KG of Methamphetamine, or

at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or

at least 1.5 KG but less than 4.5 KG of 'Ice';

• At least 15 KG but less than 45 KG of Amphetamine, or

at least 1.5 KG but less than 4.5 KG of Amphetamine (actual);

• At least 300 G but less than 900 G of LSD;

• At least 12 KG but less than 36 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);

• At least 3 KG but less than 9 KG of a Fentanyl Analogue;

• At least 30,000 KG but less than 90,000 KG of Marihuana;

• At least 6,000 KG but less than 18,000 KG of Hashish;

• At least 600 KG but less than 1,800 KG of Hashish Oil;

• At least 30,000,000 units but less than 90,000,000 units of Ketamine;

• At least 30,000,000 units but less than 90,000,000 units of Schedule I or II Depressants;

• At least 1,875,000 units but less than 5,625,000 units of Flunitrazepam;

• At least 30,000 KG but less than 90,000 KG of *Converted Drug Weight.*

(3) • At least 10 KG but less than 30 KG of Heroin; Level 34

• At least 50 KG but less than 150 KG of Cocaine;

• At least 2.8 KG but less than 8.4 KG of Cocaine Base;

• At least 10 KG but less than 30 KG of PCP, or

at least 1 KG but less than 3 KG of PCP (actual);

• At least 5 KG but less than 15 KG of Methamphetamine, or

at least 500 G but less than 1.5 KG of Methamphetamine (actual), or

at least 500 G but less than 1.5 KG of 'Ice';

• At least 5 KG but less than 15 KG of Amphetamine, or

at least 500 G but less than 1.5 KG of Amphetamine (actual);

• At least 100 G but less than 300 G of LSD;

• At least 4 KG but less than 12 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);

• At least 1 KG but less than 3 KG of a Fentanyl Analogue;
• At least 10,000 KG but less than 30,000 KG of Marihuana;
• At least 2,000 KG but less than 6,000 KG of Hashish;
• At least 200 KG but less than 600 KG of Hashish Oil;
• At least 10,000,000 but less than 30,000,000 units of Ketamine;
• At least 10,000,000 but less than 30,000,000 units of Schedule I or II Depressants;
• At least 625,000 but less than 1,875,000 units of Flunitrazepam;
• At least 10,000 KG but less than 30,000 KG of Converted Drug Weight.'';
by inserting the following new paragraph (1):
''(1) • 10 KG or more of Heroin; Level 34
• 50 KG or more of Cocaine;
• 2.8 KG or more of Cocaine Base;
• 10 KG or more of PCP, or
1 KG or more of PCP (actual);
• 5 KG or more of Methamphetamine, or
500 G or more of Methamphetamine (actual), or
500 G or more of 'Ice';
• 5 KG or more of Amphetamine, or
500 G or more of Amphetamine (actual);
• 100 G or more of LSD;
• 4 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• 1 KG or more of a Fentanyl Analogue;
• 10,000 KG or more of Marihuana;
• 2,000 KG or more of Hashish;
• 200 KG or more of Hashish Oil;
• 10,000,000 units or more of Ketamine;
• 10,000,000 units or more of Schedule I or II Depressants;
• 625,000 units or more of Flunitrazepam;
• 10,000 KG or more of Converted Drug Weight.'';
and by redesignating paragraphs (4) through (17) as paragraphs (2) through (15), respectively.
The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 27(B) by striking ''level 38'' each place such term appears and inserting ''level 34''.]
[Option 2 (Highest Base Offense Level at Level 32):
Section 2D1.1(c) is amended—
by striking paragraphs (1), (2), (3), and (4) as follows:
''(1) • 90 KG or more of Heroin; Level 38
• 450 KG or more of Cocaine;
• 25.2 KG or more of Cocaine Base;
• 90 KG or more of PCP, or 9 KG or more of PCP (actual);
• 45 KG or more of Methamphetamine, or
4.5 KG or more of Methamphetamine (actual), or
4.5 KG or more of 'Ice';
• 45 KG or more of Amphetamine, or
4.5 KG or more of Amphetamine (actual);
• 900 G or more of LSD;
• 36 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• 9 KG or more of a Fentanyl Analogue;
• 90,000 KG or more of Marihuana;
• 18,000 KG or more of Hashish;
• 1,800 KG or more of Hashish Oil;
• 90,000,000 units or more of Ketamine;
• 90,000,000 units or more of Schedule I or II Depressants;
• 5,625,000 units or more of Flunitrazepam;
• 90,000 KG or more of Converted Drug Weight.
(2) • At least 30 KG but less than 90 KG of Heroin; Level 36
• At least 150 KG but less than 450 KG of Cocaine;
• At least 8.4 KG but less than 25.2 KG of Cocaine Base;
• At least 30 KG but less than 90 KG of PCP, or
at least 3 KG but less than 9 KG of PCP (actual);
• At least 15 KG but less than 45 KG of Methamphetamine, or
at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or
at least 1.5 KG but less than 4.5 KG of 'Ice';
• At least 15 KG but less than 45 KG of Amphetamine, or
at least 1.5 KG but less than 4.5 KG of Amphetamine (actual);
• At least 300 G but less than 900 G of LSD;
• At least 12 KG but less than 36 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 3 KG but less than 9 KG of a Fentanyl Analogue;
• At least 30,000 KG but less than 90,000 KG of Marihuana;
• At least 6,000 KG but less than 18,000 KG of Hashish;
• At least 600 KG but less than 1,800 KG of Hashish Oil;
• At least 30,000,000 units but less than 90,000,000 units of Ketamine;
• At least 30,000,000 units but less than 90,000,000 units of Schedule I or II Depressants;
• At least 1,875,000 units but less than 5,625,000 units of Flunitrazepam;
• At least 30,000 KG but less than 90,000 KG of *Converted Drug Weight.*
(3) • At least 10 KG but less than 30 KG of Heroin; Level 34
• At least 50 KG but less than 150 KG of Cocaine;
• At least 2.8 KG but less than 8.4 KG of Cocaine Base;
• At least 10 KG but less than 30 KG of PCP, or
at least 1 KG but less than 3 KG of PCP (actual);
• At least 5 KG but less than 15 KG of Methamphetamine, or
at least 500 G but less than 1.5 KG of Methamphetamine (actual), or
at least 500 G but less than 1.5 KG of 'Ice';
• At least 5 KG but less than 15 KG of Amphetamine, or
at least 500 G but less than 1.5 KG of Amphetamine (actual);
• At least 100 G but less than 300 G of LSD;
• At least 4 KG but less than 12 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 1 KG but less than 3 KG of a Fentanyl Analogue;
• At least 10,000 KG but less than 30,000 KG of Marihuana;
• At least 2,000 KG but less than 6,000 KG of Hashish;
• At least 200 KG but less than 600 KG of Hashish Oil;
• At least 10,000,000 but less than 30,000,000 units of Ketamine;
• At least 10,000,000 but less than 30,000,000 units of Schedule I or II Depressants;
• At least 625,000 but less than 1,875,000 units of Flunitrazepam;
• At least 10,000 KG but less than 30,000 KG of Converted Drug Weight.
(4) • At least 3 KG but less than 10 KG of Heroin; Level 32
• At least 15 KG but less than 50 KG of Cocaine;
• At least 840 G but less than 2.8 KG of Cocaine Base;
• At least 3 KG but less than 10 KG of PCP, or
at least 300 G but less than 1 KG of PCP (actual);
• At least 1.5 KG but less than 5 KG of Methamphetamine, or
at least 150 G but less than 500 G of Methamphetamine (actual), or
at least 150 G but less than 500 G of 'Ice';
• At least 1.5 KG but less than 5 KG of Amphetamine, or
at least 150 G but less than 500 G of Amphetamine (actual);
• At least 30 G but less than 100 G of LSD;
• At least 1.2 KG but less than 4 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 300 G but less than 1 KG of a Fentanyl Analogue;

• At least 3,000 KG but less than 10,000 KG of Marihuana;
• At least 600 KG but less than 2,000 KG of Hashish;
• At least 60 KG but less than 200 KG of Hashish Oil;
• At least 3,000,000 but less than 10,000,000 units of Ketamine;
• At least 3,000,000 but less than 10,000,000 units of Schedule I or II Depressants;
• At least 187,500 but less than 625,000 units of Flunitrazepam;
• At least 3,000 KG but less than 10,000 KG of Converted Drug Weight.'';

by inserting the following new paragraph (1):

''(1) • 3 KG or more of Heroin; Level 32
• 15 KG or more of Cocaine;
• 840 G or more of Cocaine Base;
• 3 KG or more of PCP, or
300 G or more of PCP (actual);
• 1.5 KG or more of Methamphetamine, or
150 G or more of Methamphetamine (actual), or
150 G or more of 'Ice';
• 1.5 KG or more of Amphetamine, or
150 G or more of Amphetamine (actual);
• 30 G or more of LSD;
• 1.2 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• 300 G or more of a Fentanyl Analogue;
• 3,000 KG or more of Marihuana;
• 600 KG or more of Hashish;
• 60 KG or more of Hashish Oil;
• 3,000,000 units or more of Ketamine;
• 3,000,000 units or more of Schedule I or II Depressants;
• 187,500 units or more of Flunitrazepam;
• 3,000 KG or more of Converted Drug Weight.'';

and by redesignating paragraphs (5) through (17) as paragraphs (2) through (14), respectively.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 27(B) by striking ''level 38'' each place such term appears and inserting ''level 32''.]

[Option 3 (Highest Base Offense Level at Level 30):

Section 2D1.1(c) is amended—

by striking paragraphs (1), (2), (3), (4), and (5) as follows:

''(1) • 90 KG or more of Heroin; Level 38
• 450 KG or more of Cocaine;
• 25.2 KG or more of Cocaine Base;
• 90 KG or more of PCP, or 9 KG or more of PCP (actual);
• 45 KG or more of Methamphetamine, or
4.5 KG or more of Methamphetamine (actual), or
4.5 KG or more of 'Ice';
• 45 KG or more of Amphetamine, or
4.5 KG or more of Amphetamine (actual);
• 900 G or more of LSD;
• 36 KG or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• 9 KG or more of a Fentanyl Analogue;
• 90,000 KG or more of Marihuana;
• 18,000 KG or more of Hashish;
• 1,800 KG or more of Hashish Oil;
• 90,000,000 units or more of Ketamine;
• 90,000,000 units or more of Schedule I or II Depressants;
• 5,625,000 units or more of Flunitrazepam;
• 90,000 KG or more of Converted Drug Weight.
(2) • At least 30 KG but less than 90 KG of Heroin; Level 36
• At least 150 KG but less than 450 KG of Cocaine;
• At least 8.4 KG but less than 25.2 KG of Cocaine Base;
• At least 30 KG but less than 90 KG of PCP, or
at least 3 KG but less than 9 KG of PCP (actual);
• At least 15 KG but less than 45 KG of Methamphetamine, or
at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or
at least 1.5 KG but less than 4.5 KG of 'Ice';
• At least 15 KG but less than 45 KG of Amphetamine, or
at least 1.5 KG but less than 4.5 KG of Amphetamine (actual);
• At least 300 G but less than 900 G of LSD;
• At least 12 KG but less than 36 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 3 KG but less than 9 KG of a Fentanyl Analogue;
• At least 30,000 KG but less than 90,000 KG of Marihuana;
• At least 6,000 KG but less than 18,000 KG of Hashish;
• At least 600 KG but less than 1,800 KG of Hashish Oil;
• At least 30,000,000 units but less than 90,000,000 units of Ketamine;
• At least 30,000,000 units but less than 90,000,000 units of Schedule I or II Depressants;
• At least 1,875,000 units but less than 5,625,000 units of Flunitrazepam;
• At least 30,000 KG but less than 90,000 KG of *Converted Drug Weight.*
(3) • At least 10 KG but less than 30 KG of Heroin; Level 34
• At least 50 KG but less than 150 KG of Cocaine;
• At least 2.8 KG but less than 8.4 KG of Cocaine Base;
• At least 10 KG but less than 30 KG of PCP, or
at least 1 KG but less than 3 KG of PCP (actual);
• At least 5 KG but less than 15 KG of Methamphetamine, or
at least 500 G but less than 1.5 KG of Methamphetamine (actual), or
at least 500 G but less than 1.5 KG of 'Ice';
• At least 5 KG but less than 15 KG of Amphetamine, or
at least 500 G but less than 1.5 KG of Amphetamine (actual);
• At least 100 G but less than 300 G of LSD;
• At least 4 KG but less than 12 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 1 KG but less than 3 KG of a Fentanyl Analogue;
• At least 10,000 KG but less than 30,000 KG of Marihuana;
• At least 2,000 KG but less than 6,000 KG of Hashish;
• At least 200 KG but less than 600 KG of Hashish Oil;
• At least 10,000,000 but less than 30,000,000 units of Ketamine;
• At least 10,000,000 but less than 30,000,000 units of Schedule I or II Depressants;
• At least 625,000 but less than 1,875,000 units of Flunitrazepam;
• At least 10,000 KG but less than 30,000 KG of Converted Drug Weight.
(4) • At least 3 KG but less than 10 KG of Heroin; Level 32
• At least 15 KG but less than 50 KG of Cocaine;
• At least 840 G but less than 2.8 KG of Cocaine Base;
• At least 3 KG but less than 10 KG of PCP, or
at least 300 G but less than 1 KG of PCP (actual);
• At least 1.5 KG but less than 5 KG of Methamphetamine, or
at least 150 G but less than 500 G of Methamphetamine (actual), or
at least 150 G but less than 500 G of 'Ice';
• At least 1.5 KG but less than 5 KG of Amphetamine, or
at least 150 G but less than 500 G of Amphetamine (actual);
• At least 30 G but less than 100 G of LSD;
• At least 1.2 KG but less than 4 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 300 G but less than 1 KG of a Fentanyl Analogue;
• At least 3,000 KG but less than 10,000 KG of Marihuana;

• At least 600 KG but less than 2,000 KG of Hashish;
• At least 60 KG but less than 200 KG of Hashish Oil;
• At least 3,000,000 but less than 10,000,000 units of Ketamine;
• At least 3,000,000 but less than 10,000,000 units of Schedule I or II Depressants;
• At least 187,500 but less than 625,000 units of Flunitrazepam;
• At least 3,000 KG but less than 10,000 KG of Converted Drug Weight.

(5) • At least 1 KG but less than 3 KG of Heroin; Level 30
• At least 5 KG but less than 15 KG of Cocaine;
• At least 280 G but less than 840 G of Cocaine Base;
• At least 1 KG but less than 3 KG of PCP, or
at least 100 G but less than 300 G of PCP (actual);
• At least 500 G but less than 1.5 KG of Methamphetamine, or
at least 50 G but less than 150 G of Methamphetamine (actual), or
at least 50 G but less than 150 G of 'Ice';
• At least 500 G but less than 1.5 KG of Amphetamine, or
at least 50 G but less than 150 G of Amphetamine (actual);
• At least 10 G but less than 30 G of LSD;
• At least 400 G but less than 1.2 KG of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• At least 100 G but less than 300 G of a Fentanyl Analogue;
• At least 1,000 KG but less than 3,000 KG of Marihuana;
• At least 200 KG but less than 600 KG of Hashish;
• At least 20 KG but less than 60 KG of Hashish Oil;
• At least 1,000,000 but less than 3,000,000 units of Ketamine;
• At least 1,000,000 but less than 3,000,000 units of Schedule I or II Depressants;
• At least 62,500 but less than 187,500 units of Flunitrazepam;
• At least 1,000 KG but less than 3,000 KG of Converted Drug Weight.'';

by inserting the following new paragraph (1):

''(1) • 1 KG or more of Heroin; Level 30
• 5 KG or more of Cocaine;
• 280 G or more of Cocaine Base;
• 1 KG or more of PCP, or
100 G or more of PCP (actual);
• 500 G or more of Methamphetamine, or
50 G or more of Methamphetamine (actual), or
50 G or more of 'Ice';
• 500 G or more of Amphetamine, or
50 G or more of Amphetamine (actual);
• 10 G or more of LSD;
• 400 G or more of Fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] Propanamide);
• 100 G or more of a Fentanyl Analogue;
• 1,000 KG or more of Marihuana;
• 200 KG or more of Hashish;
• 20 KG or more of Hashish Oil;
• 1,000,000 units or more of Ketamine;
• 1,000,000 units or more of Schedule I or II Depressants;
• 62,500 units or more of Flunitrazepam;
• 1,000 KG or more of Converted Drug Weight.'';

and by redesignating paragraphs (6) through (17) as paragraphs (2) through (13), respectively.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 27(B) by striking ''level 38'' each place such term appears and inserting ''level 30''.]

Issues for Comment

1. Commission data reflects that the difference between the average guideline minimum and average sentence imposed varies depending on the base offense level, with the greatest difference occurring at the highest base offense levels. Subpart 1 sets forth three options for amending the Drug Quantity Table at subsection (c) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to set the highest base offense level at [34][32][30]. Should the Commission consider setting the highest base offense level at another level? If so, what is the appropriate highest base offense level for the Drug Quantity Table?

2. Subpart 1 of Part A of the proposed amendment would amend § 2D1.1 to reduce the highest base offense level in the Drug Quantity Table. The Commission seeks comment on whether it should instead consider reducing all base offense levels in the Drug Quantity Table. If so, to what extent? Should this reduction apply to all drug types and at all offense levels? Are there drug types for which the base offense levels should not be reduced or for which there should be a different base offense level reduction?

3. The mitigating role cap at § 2D1.1(a)(5) provides a decrease for base offense levels of 32 or greater when the mitigating role adjustment at § 3B1.2 applies. The mitigating role cap also sets forth a maximum base offense level of 32 based on the application of the 4-level reduction (''minimal participant'') at § 3B1.2(a). Subpart 1 sets forth three options to decrease the highest base offense level of the Drug Quantity Table to level [34][32][30]. If the Commission adopts any of these options, it will require changes to the mitigating role cap at § 2D1.1(a)(5). The Commission seeks comment on how it should address the interaction between the options set forth in Subpart 1 and the mitigating role cap. Specifically, should the Commission retain some or all clauses in the mitigating role cap if it sets a highest base offense level at or below the current mitigating role cap? If so, what base offense levels should trigger the mitigating role cap? What is the appropriate decrease from those base offense levels?

4. Section 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy) includes two chemical quantity tables at subsections (d) and (e). Section 2D1.11 is generally structured to provide base offense levels that are tied to, but less severe than, the base offense levels in § 2D1.1 for offenses involving the same substance. If the Commission were to promulgate Option 1, 2, or 3 from Subpart 1, should the Commission amend the chemical quantity tables at § 2D1.11?

5. Subpart 1 of Part A of the Proposed Amendment sets forth three options to decrease the highest base offense level of the Drug Quantity Table from level 38 to level [34][32][30]. Part B of the proposed amendment would revise the Drug Quantity Table with respect to methamphetamine, which is the most common drug type in federal drug trafficking offenses. The Commission seeks comment on the interaction between these parts of the proposed amendment. If the Commission were to amend the Drug Quantity Table relating to methamphetamine, should that affect the Commission's consideration of a reduction of the highest base offense level in the Drug Quantity Table? If so, how?

Subpart 2 (New Trafficking Functions Adjustment)

Proposed Amendment

Section 2D1.1(a)(5) is amended by striking ''an adjustment under § 3B1.2 (Mitigating Role)'' and inserting ''a reduction under subsection (b)(17)'', and by striking ''the 4-level ('minimal participant') reduction in § 3B1.2(a)'' and inserting ''a reduction under subsection (b)(17)''.

Section 2D1.1(b) is amended—

in paragraph (5) by striking ''an adjustment under § 3B1.2 (Mitigating Role)'' and inserting ''a reduction under subsection (b)(17)'';

by redesignating paragraphs (17) and (18) as paragraphs (18) and (19), respectively;

by inserting the following new paragraph (17):

[Option 1 (Specifying functions that trigger reduction):

''(17) If—

(A) subsection (b)(2) does not apply;

[(B) the defendant did not possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;] and

(C) [the defendant's most serious conduct in the offense was limited to performing any of the following low-level trafficking functions][the defendant's primary function in the offense was performing any of the following low-level trafficking functions]—

(i) carried one or more controlled substances (regardless of the quantity of the controlled substance involved) on their person, vehicle, vessel, or aircraft for purposes of transporting the controlled substance, without holding an ownership interest in the controlled substance or claiming a significant share of profits from the offense;

(ii) performed any low-level function in the offense other than the selling of controlled substances (such as running errands, sending or receiving phone calls or messages, scouting, receiving packages, packaging controlled substances, acting as a lookout, storing controlled substances, or acting as a deckhand or crew member on a vessel or aircraft used to transport controlled substances), without holding an ownership interest in the controlled substance or claiming a significant share of profits from the offense; or

(iii) distributed retail or user-level quantities of controlled substances to end users [or similarly situated distributors] and [one or more of the following factors is][two or more of the following factors are] present: (I) the defendant was motivated by an intimate or familial relationship or by threats or fear to commit the offense and was otherwise unlikely to commit such an offense; (II) the defendant was motivated primarily by a substance abuse disorder; (III) the defendant was engaged in the distribution of controlled substances infrequently or for brief duration; (IV) the defendant received little or no compensation from the distribution of the controlled substance involved in the offense; [or (V) the defendant had limited knowledge of the distribution network and an additional factor similar to any of the factors described in subclauses (I) through (IV) is present];

decrease by [2][4][6] levels. This reduction shall apply regardless of whether the defendant acted alone or in concert with others.'';]

[Option 2 (Functions listed as examples):

''(17) If—

(A) subsection (b)(2) does not apply;

[(B) the defendant did not possess a firearm or other dangerous weapon (or induce another participant to do so) in connection with the offense;] and

(C) [the defendant's most serious conduct in the offense was limited to performing a low-level trafficking function][the defendant's primary function in the offense was performing a low-level trafficking function]; decrease by [2][4][6] levels. This reduction shall apply regardless of whether the defendant acted alone or in concert with others.

Examples:

Functions that may qualify as low-level trafficking functions, depending on the scope and structure of the criminal activity, include where the defendant:

(A) carried one or more controlled substances (regardless of the quantity of the controlled substance involved) on their person, vehicle, vessel, or aircraft for purposes of transporting the controlled substance, without holding an ownership interest in the controlled substance or claiming a significant share of profits from the offense;

(B) performed any low-level function in the offense other than the selling of controlled substances (such as running errands, sending or receiving phone calls or messages, scouting, receiving packages, packaging controlled substances, acting as a lookout, storing controlled substances, or acting as a deckhand or crew member on a vessel or aircraft used to transport controlled substances), without holding an ownership interest in the controlled substance or claiming a significant share of profits from the offense; or

(C) distributed retail or user-level quantities of controlled substances to end users [or similarly situated distributors] and [one or more of the following factors is][two or more of the following factors are] present: (i) the defendant was motivated by an intimate or familial relationship or by threats or fear to commit the offense and was otherwise unlikely to commit such an offense; (ii) the defendant was motivated primarily by a substance abuse disorder; (iii) the defendant was engaged in the distribution of controlled substances infrequently or for brief duration; (iv) the defendant received little or no compensation from the distribution of the controlled substance involved in the offense; [or (v) the defendant had limited knowledge of the distribution network and an additional factor similar to any of the factors described in clauses (i) through (iv) is present].'';]

and in paragraph (18) (as so redesignated) by striking ''the 4-level ('minimal participant') reduction in § 3B1.2(a)'' and inserting ''a reduction under subsection (b)(17)''.

Section 2D1.1(e) is amended—

in the heading by striking ''Instruction'' and inserting ''Instructions'';

and by inserting at the end the following new paragraph (2):

''(2) If the defendant's offense level is determined under this guideline, do not apply § 3B1.2 (Mitigating Role).''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended—

by redesignating Notes 21 through 27 as Notes 22 through 28, respectively;

by inserting the following new Note 21:

''21. *Application of Subsection (b)(17).*—

(A) A defendant who is accountable under § 1B1.3 (Relevant Conduct) only for the conduct in which the defendant personally was involved and who performs a low-level trafficking function may receive an adjustment under subsection (b)(17). For example, a defendant who is convicted of a drug trafficking offense, whose participation in that offense was limited to transporting or storing drugs, and who is accountable under § 1B1.3 only for the quantity of drugs the defendant personally transported or stored may receive an adjustment under subsection (b)(17).

(B) If a defendant has received a lower offense level by virtue of being convicted of an offense significantly less serious than warranted by the defendant's actual criminal conduct, a reduction under subsection (b)(17) ordinarily is not warranted because such defendant is not substantially less culpable than a defendant whose only conduct involved the less serious offense.'';

and in Note 22 (as so redesignated) by striking ''(b)(18)'' both places it appears and inserting ''(b)(19)''.

The Commentary to § 2D1.1 captioned ''Background'' is amended by striking ''(b)(17)'' and inserting ''(b)(18)''.

Section 2D1.14(a)(1) is amended by striking ''(b)(18)'' and inserting ''(b)(19)''.

The Commentary to § 3B1.2 captioned ''Application Notes'' is amended—

in Note 3(A) by striking the following:

''A defendant who is accountable under § 1B1.3 (Relevant Conduct) only for the conduct in which the defendant personally was involved and who performs a limited function in the criminal activity may receive an adjustment under this guideline. For example, a defendant who is convicted of a drug trafficking offense, whose participation in that offense was limited to transporting or storing drugs and who is accountable under § 1B1.3 only for the quantity of drugs the defendant personally transported or stored may receive an adjustment under this guideline.

Likewise, a defendant who is accountable under § 1B1.3 for a loss amount under § 2B1.1 (Theft, Property Destruction, and Fraud) that greatly exceeds the defendant's personal gain from a fraud offense or who had limited knowledge of the scope of the scheme may receive an adjustment under this guideline. For example, a defendant in a health care fraud scheme, whose participation in the scheme was limited to serving as a nominee owner and who received little personal gain relative to the loss amount, may receive an adjustment under this guideline.'',

and inserting the following:

''A defendant who is accountable under § 1B1.3 (Relevant Conduct) only for the conduct in which the defendant personally was involved and who performs a limited function in the criminal activity may receive an adjustment under this guideline. For example, a defendant who is accountable under § 1B1.3 for a loss amount under § 2B1.1 (Theft, Property Destruction, and Fraud) that greatly exceeds the defendant's personal gain from a fraud offense or who had limited knowledge of the scope of the scheme may receive an adjustment under this guideline. For example, a defendant in a health care fraud scheme, whose participation in the scheme was limited to serving as a nominee owner and who received little personal gain relative to the loss amount, may receive an adjustment under this guideline.'';

and in Note 6 by striking the following:

''*Application of Role Adjustment in Certain Drug Cases.*—In a case in which the court applied § 2D1.1 and the defendant's base offense level under that guideline was reduced by operation of the maximum base offense level in § 2D1.1(a)(5), the court also shall apply the appropriate adjustment under this guideline.'',

and inserting the following:

''*Non-Applicability of Role Adjustment to Cases Where Offense Level is Determined under § 2D1.1.*—In accordance with subsection (e)(2) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy), § 3B1.2 does not apply to a defendant whose offense level is determined under § 2D1.1.''.

Issues for Comment

1. Subpart 2 of Part A of the proposed amendment would add a new specific offense characteristic at subsection (b) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) relating to low-level trafficking functions in drug offenses. The Commission has proposed that this specific offense characteristic decrease the offense levels by [2][4][6] levels. Should the adjustment be greater or lesser? Should the reduction be the same for all low-level trafficking functions?

2. The Commission seeks comment on whether the new specific offense characteristic at § 2D1.1(b)(17) properly captures low-level trafficking functions. Are there other factors that this provision should capture? Are there factors included in the proposed amendment that should not be included?

3. One of the low-level trafficking functions listed in proposed § 2D1.1(b)(17) is the distribution of retail or user-level quantities of controlled substances when certain mitigating circumstances are present. The Commission seeks comment on whether the distribution of retail or user-level quantities of controlled substances, when certain mitigating circumstances are present, merits a reduction. If so, what mitigating circumstances should the Commission provide?

4. Section 2D1.1(a)(5) provides an additional decrease to the base offense level based on the application of the mitigating role adjustment at § 3B1.2 (Mitigating Role). How should the Commission amend § 2D1.1(a)(5) to account for the new low-level trafficking functions adjustment?

5. Section 2D1.1(a)(5) also sets forth a maximum base offense level of 32 based on the application of the 4-level reduction (''minimal participant'') at § 3B1.2(a). How should the Commission amend § 2D1.1(a)(5) to account for the new low-level trafficking functions adjustment?

6. Subpart 2 of Part A of the proposed amendment includes a special instruction providing that § 3B1.2 (Mitigating Role) does not apply to cases where the defendant's offense level is determined under § 2D1.1. The Commission seeks comment on whether this special instruction is appropriate.

7. Some guidelines provide an instruction to use the offense level from another Chapter Two offense guideline, which generally refers to the entire offense guideline (*i.e.,* the base offense level, specific offense characteristics, cross references, and special instructions). This can result in a case in which the defendant is sentenced under a guideline other than § 2D1.1 but the offense level is determined under § 2D1.1. In such a case, the defendant could qualify for both a low-level trafficking functions adjustment under § 2D1.1 and a role adjustment under Chapter Three, Part B. The Commission seeks comment on how it should address this issue.

8. Subpart 2 of Part A of the proposed amendment would add Commentary to § 2D1.1 that closely tracks certain provisions currently contained in Application Note 3 of the Commentary to § 3B1.2. The proposed Commentary would provide that a low-level trafficking functions reduction applies even when the defendant's relevant conduct is limited to conduct in which the defendant was personally involved. Additionally, the proposed Commentary would state that a reduction ordinarily is not warranted when the defendant received a lower offense level by virtue of being convicted of a significantly less serious offense than warranted by the defendant's actual criminal conduct. The Commission seeks comment on whether including this guidance in the Commentary to § 2D1.1 is appropriate. Is the guidance provided in these provisions applicable in the context of the new low-level trafficking functions adjustment at § 2D1.1? If appropriate, should the Commission alternatively consider incorporating the prohibition and guidance by reference to the Commentary to § 3B1.2?

(B) Methamphetamine

Synopsis of Proposed Amendment: Part B of the proposed amendment contains two subparts (Subpart 1 and Subpart 2). The Commission is considering whether to promulgate one or both of these subparts, as they are not mutually exclusive.

Subpart 1 addresses offenses involving ''Ice'' under § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy).

Subpart 2 addresses the purity distinction in § 2D1.1 between

methamphetamine in ''actual'' form and methamphetamine as part of a mixture.

Methamphetamine in General

The statutory provisions and penalties associated with the trafficking of methamphetamine are found at 21 U.S.C. 841 and 960. While the statutory penalties for most drug types are based solely on drug quantity, the statutory penalties for methamphetamine are also based on the purity of the substance involved in the offense. Sections 841 and 960 contain quantity threshold triggers for five- and ten-year mandatory minimums for methamphetamine (actual) (*i.e.,* ''pure'' methamphetamine) and methamphetamine (mixture) (*i.e.,* ''a mixture or substance containing a detectable amount of methamphetamine''). *See* 21 U.S.C. 841(b)(1)(A)(viii), (B)(viii), 960(b)(1)(H), & 960(b)(2)(H). Two different 10-to-1 quantity ratios set the mandatory minimum penalties for methamphetamine trafficking offenses. First, the quantity of substance triggering the ten-year minimum is ten times the quantity triggering the five-year minimum. Second, the quantity of methamphetamine mixture triggering each mandatory minimum is set at ten times the quantity of methamphetamine actual triggering the same statutory minimum penalty.

Under § 2D1.1, the base offense level for offenses involving methamphetamine varies based on the purity of the substance. Specifically, the Drug Quantity Table at § 2D1.1(c) contains three different entries relating to methamphetamine: (1) ''Methamphetamine,'' which refers to the entire weight of a mixture or substance containing a detectable amount of methamphetamine; (2) ''Methamphetamine (actual),'' which refers to the weight of methamphetamine itself contained in a mixture or substance; and (3) ''Ice,'' which is defined as ''a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity'' (*see* USSG § 2D1.1(c) (Note C)). The Drug Quantity Table sets base offense levels for methamphetamine mixture and methamphetamine (actual) in a manner that reflects the 10:1 quantity ratio of the applicable statutory provisions, such that it takes ten times more methamphetamine mixture than methamphetamine (actual) to trigger the same base offense level.

Although ''Ice'' is included in the guidelines, the term ''Ice'' does not appear in the statutory provisions setting penalties for methamphetamine offenses. ''Ice'' was added to the guidelines in response to the 1990 Crime Control Act, which directed the Commission to amend the guidelines ''for offenses involving smokable crystal methamphetamine . . . so that convictions for [such offenses] will be assigned an offense level . . . two levels above that which would have been assigned to the same offense involving other forms of methamphetamine.'' *See* Public Law 101–67, 2701 (1990). The 1990 Crime Control Act did not, however, define ''smokable crystal methamphetamine,'' and the Commission and commenters struggled to determine its meaning. Ultimately, the Commission responded to the Act by adding ''Ice'' to the Drug Quantity Table—even though the 1990 Crime Control Act did not use that term—and developed a definition of ''Ice'' based on the type and purity of methamphetamine. *See* USSG App. C, amend. 370 (effective Nov. 1, 1991). The Commission set the base offense levels for quantities of ''Ice'' equal to the base offense levels for the same quantities of methamphetamine (actual).

Commission Data

Commission data shows that, since fiscal year 2002, the number of offenses involving methamphetamine mixture has remained relatively steady, but the number of offenses involving methamphetamine (actual) and ''Ice'' has risen substantially. Offenses involving methamphetamine (actual) increased 299 percent from 910 offenses in fiscal year 2002 to 3,634 offenses in fiscal year 2022. As a result, in fiscal year 2022, methamphetamine (actual) accounted for more than half (52.2%) of all methamphetamine cases. Offenses involving ''Ice'' also have risen during the past 20 years. In fiscal year 2002, there were 88 offenses involving ''Ice'' in the federal case load; that number rose by 881 percent to 863 offenses in fiscal year 2022. Offenses involving ''Ice'' now make up more than ten percent (12.4%) of all methamphetamine cases. Offenses involving methamphetamine mixture comprise roughly a third (35.4%) of all methamphetamine cases.

In addition, data published by the Commission in a recent report shows that methamphetamine today is highly and uniformly pure, with an average purity of 93.2 percent and a median purity of 98.0 percent. The methamphetamine tested in fiscal year 2022 was uniformly highly pure regardless of whether it was sentenced as methamphetamine mixture (91.0% pure on average), methamphetamine actual (92.6%), or ''Ice'' (97.6%). *See* U.S. Sent'g Comm'n, Methamphetamine Trafficking Offenses in the Federal Criminal Justice System 4 (June 2024) at *https://www.ussc.gov/research/research-reports/methamphetamine-trafficking-offenses-federal-criminal-justice-system.*

Feedback From Stakeholders

The Commission has received significant comment regarding § 2D1.1's methamphetamine purity distinction. Some commenters suggest that the Commission should revisit or eliminate the disparity in § 2D1.1's treatment of methamphetamine mixture, on the one hand, and methamphetamine (actual) and ''Ice,'' on the other. Most of these commenters state that purity is no longer an accurate measure of offense culpability because methamphetamine today is highly and uniformly pure and that ''Ice'' cases do not involve a higher level of purity than other forms of methamphetamine. Some of these commenters also point to disparities in testing practices across judicial districts, which, in turn, have yielded disparate sentences.

Subpart 1 (''Ice'')

Subpart 1 of Part B of the proposed amendment would amend the Drug Quantity Table at § 2D1.1(c) and the Drug Equivalency Tables at Application Note 8(D) of the Commentary to § 2D1.1 to delete all references to ''Ice.'' In addition, it brackets the possibility of adding a new specific offense characteristic at subsection (b)(19) that would provide a 2-level reduction if the offense involved methamphetamine in a non-smokable, non-crystalline form, which would continue to ensure that ''convictions for offenses involving smokable crystal methamphetamine will be assigned an offense level under the guidelines which is two levels above'' other forms of methamphetamine.

Issues for comment are also provided.

Subpart 2 (Methamphetamine Purity Distinction)

Subpart 2 of Part B of the proposed amendment would address the 10:1 quantity ratio for methamphetamine mixture and methamphetamine (actual) by deleting all references to ''methamphetamine (actual)'' from the Drug Quantity Table at § 2D1.1(c) and the Drug Conversion Tables at Application Note 8(D). The weight of methamphetamine in the tables would then be the entire weight of any mixture or substance containing a detectable amount of methamphetamine. Subpart 2 of Part B of the proposed amendment provides two options for setting the quantity thresholds applicable to methamphetamine.

Option 1 would set the quantity thresholds for methamphetamine at the current level for methamphetamine mixture.

Option 2 would set the quantity thresholds for methamphetamine at the current level of methamphetamine (actual).

Issues for comment are also provided.

Subpart 1 (''Ice'')

Proposed Amendment

[Section 2D1.1(b) is amended by inserting at the end the following new paragraph (19):

''(19) If the offense involved methamphetamine in a non-smokable, non-crystalline form, decrease by [2] levels.''.]

Section 2D1.1(c)(1) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''4.5 KG or more of 'Ice';''.

Section 2D1.1(c)(2) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 1.5 KG but less than 4.5 KG of 'Ice';''.

Section 2D1.1(c)(3) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 500 G but less than 1.5 KG of 'Ice';''.

Section 2D1.1(c)(4) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 150 G but less than 500 G of 'Ice';''.

Section 2D1.1(c)(5) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 50 G but less than 150 G of 'Ice';''.

Section 2D1.1(c)(6) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 35 G but less than 50 G of 'Ice';''.

Section 2D1.1(c)(7) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 20 G but less than 35 G of 'Ice';''.

Section 2D1.1(c)(8) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 5 G but less than 20 G of 'Ice';''.

Section 2D1.1(c)(9) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 4 G but less than 5 G of 'Ice';''.

Section 2D1.1(c)(10) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 3 G but less than 4 G of 'Ice';''.

Section 2D1.1(c)(11) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 2 G but less than 3 G of 'Ice';''.

Section 2D1.1(c)(12) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 1 G but less than 2 G of 'Ice';''.

Section 2D1.1(c)(13) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''at least 500 MG but less than 1 G of 'Ice';''.

Section 2D1.1(c)(14) is amended in the line referenced to Methamphetamine (actual) by striking '', or'' and inserting a semicolon; and by striking the line referenced to ''Ice'' as follows: ''less than 500 MG of 'Ice';''.

The annotation to § 2D1.1(c) captioned ''Notes to Drug Quantity Table'' is amended—

in Note (B) by striking the following:

''The terms 'Hydrocodone (actual)' and 'Oxycodone (actual)' refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture.'';

by striking Note (C) as follows:

''(C) 'Ice,' for the purposes of this guideline, means a mixture or substance containing d-methamphetamine hydrochloride of at least 80% purity.'';

and by inserting the following new Note (C):

''(C) The terms 'Hydrocodone (actual)' and 'Oxycodone (actual)' refer to the weight of the controlled substance, itself, contained in the pill, capsule, or mixture.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 8(D), under the heading relating to Cocaine and Other Scheduled I and II Stimulants (and their immediate precursors), by striking the line referenced to ''Ice'' as follows:

''1 gm of 'Ice' = 20 kg''.

Issues for Comment:

1. Subpart 1 of Part B of the proposed amendment would amend the Drug Quantity Table at subsection (c) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) and the Drug Conversion Tables at Application Note 8(D) of the Commentary to § 2D1.1 to delete all references to ''Ice.'' The Commission invites comment on whether deleting all references to ''Ice'' in § 2D1.1 is consistent with the 1990 congressional directive (Pub. L. 101–67, 2701 (1990)) and other provisions of federal law.

2. Subpart 1 of Part B of the proposed amendment brackets the possibility of adding a new specific offense characteristic at § 2D1.1(b)(19) that provides a 2-level reduction if the offense involved methamphetamine in a non-smokable, non-crystalline form. The Commission invites comment on whether deleting all references to ''Ice,'' while adding a new specific offense characteristic addressing methamphetamine in a non-smokable, non-crystalline form, is consistent with the 1990 congressional directive (Pub. L. 101–67, 2701 (1990)) and other provisions of federal law.

In addition, the Commission invites general comment on methamphetamine in a non-smokable, non-crystalline form, particularly on its pharmacological effects, potential for addiction and abuse, the patterns of abuse and harms associated with their abuse, and the patterns of trafficking and harms associated with its trafficking. How is non-smokable, non-crystalline methamphetamine manufactured, distributed, possessed, and used? What are the characteristics of the individuals involved in these various criminal activities? What harms are posed by these activities? How do these harms differ from those associated with other forms of methamphetamine?

Subpart 2 (Methamphetamine Purity Distinction)

Proposed Amendment

[Option 1 (Using methamphetamine mixture quantity thresholds):

Section 2D1.1(c)(1) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''4.5 KG or more of Methamphetamine (actual), or''.

Section 2D1.1(c)(2) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or''.

Section 2D1.1(c)(3) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 500 G but less than 1.5 KG of Methamphetamine (actual), or''.

Section 2D1.1(c)(4) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 150 G but less than 500 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(5) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 50 G but less than 150 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(6) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 35 G but less than 50 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(7) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 20 G but less than 35 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(8) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 5 G but less than 20 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(9) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 4 G but less than 5 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(10) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 3 G but less than 4 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(11) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 2 G but less than 3 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(12) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 1 G but less than 2 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(13) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''at least 500 MG but less than 1 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(14) is amended by striking the line referenced to Methamphetamine (actual) as follows: ''less than 500 MG of Methamphetamine (actual), or''.

The annotation to § 2D1.1(c) captioned ''Notes to Drug Quantity Table'' is amended in Note (B) by striking the following:

''The terms 'PCP (actual)', 'Amphetamine (actual)', and 'Methamphetamine (actual)' refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP, amphetamine, or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual), amphetamine (actual), or methamphetamine (actual), whichever is greater.'',

and inserting the following:

''The terms 'PCP (actual)' and 'Amphetamine (actual)' refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP or amphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual) or amphetamine (actual), whichever is greater.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended—

in Note 8(D), under the heading relating to Cocaine and Other Scheduled I and II Stimulants (and their immediate precursors), by striking the line referenced to Methamphetamine (actual) as follows:

''1 gm of Methamphetamine (actual) = 20 kg'';

and in Note 27(C) by striking ''methamphetamine,''.]

[Option 2 (Using methamphetamine (actual) quantity thresholds):

Section 2D1.1(c)(1) is amended in the line referenced to Methamphetamine by striking ''45 KG'' and inserting ''4.5 KG''; and by striking the line referenced to Methamphetamine (actual) as follows: ''4.5 KG or more of Methamphetamine (actual), or''.

Section 2D1.1(c)(2) is amended in the line referenced to Methamphetamine by striking ''15 KG but less than 45 KG'' and inserting ''1.5 KG but less than 4.5 KG''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 1.5 KG but less than 4.5 KG of Methamphetamine (actual), or''.

Section 2D1.1(c)(3) is amended in the line referenced to Methamphetamine by striking ''5 KG but less than 15 KG'' and inserting ''500 G but less than 1.5 KG''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 500 G but less than 1.5 KG of Methamphetamine (actual), or''.

Section 2D1.1(c)(4) is amended in the line referenced to Methamphetamine by striking ''1.5 KG but less than 5 KG'' and inserting ''150 G but less than 500 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 150 G but less than 500 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(5) is amended in the line referenced to Methamphetamine by striking ''500 G but less than 1.5 KG'' and inserting ''50 G but less than 150 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 50 G but less than 150 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(6) is amended in the line referenced to Methamphetamine by striking ''350 G but less than 500 G'' and inserting ''35 G but less than 50 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 35 G but less than 50 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(7) is amended in the line referenced to Methamphetamine by striking ''200 G but less than 350 G'' and inserting ''20 G but less than 35 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 20 G but less than 35 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(8) is amended in the line referenced to Methamphetamine by striking ''50 G but less than 200 G'' and inserting ''5 G but less than 20 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 5 G but less than 20 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(9) is amended in the line referenced to Methamphetamine by striking ''40 G but less than 50 G'' and inserting ''4 G but less than 5 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 4 G but less than 5 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(10) is amended in the line referenced to Methamphetamine by striking ''30 G but less than 40 G'' and inserting ''3 G but less than 4 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 3 G but less than 4 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(11) is amended in the line referenced to Methamphetamine by striking ''20 G but less than 30 G'' and inserting ''2 G but less than 3 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 2 G but less than 3 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(12) is amended in the line referenced to Methamphetamine by striking ''10 G but less than 20 G'' and inserting ''1 G but less than 2 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 1 G but less than 2 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(13) is amended in the line referenced to Methamphetamine by striking ''5 G but

less than 10 G'' and inserting ''500 MG but less than 1 G''; and by striking the line referenced to Methamphetamine (actual) as follows: ''at least 500 MG but less than 1 G of Methamphetamine (actual), or''.

Section 2D1.1(c)(14) is amended in the line referenced to Methamphetamine by striking ''5 G'' and inserting ''500 MG''; and by striking the line referenced to Methamphetamine (actual) as follows: ''less than 500 MG of Methamphetamine (actual), or''.

The annotation to § 2D1.1(c) captioned ''Notes to Drug Quantity Table'' is amended in Note (B) by striking the following:

''The terms 'PCP (actual)', 'Amphetamine (actual)', and 'Methamphetamine (actual)' refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP, amphetamine, or methamphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual), amphetamine (actual), or methamphetamine (actual), whichever is greater.'',

and inserting the following:

''The terms 'PCP (actual)' and 'Amphetamine (actual)' refer to the weight of the controlled substance, itself, contained in the mixture or substance. For example, a mixture weighing 10 grams containing PCP at 50% purity contains 5 grams of PCP (actual). In the case of a mixture or substance containing PCP or amphetamine, use the offense level determined by the entire weight of the mixture or substance, or the offense level determined by the weight of the PCP (actual) or amphetamine (actual), whichever is greater.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended—

in Note 8(D), under the heading relating to Cocaine and Other Scheduled I and II Stimulants (and their immediate precursors)—

in the line referenced to Methamphetamine by striking ''2 kg'' and inserting ''20 kg'';

and by striking the line referenced to Methamphetamine (actual) as follows:

''1 gm of Methamphetamine (actual) = 20 kg'';

and in Note 27(C) by striking ''methamphetamine,''.]

Issues for Comment:

1. The Commission seeks comment on how, if at all, the guidelines should be amended to address the 10:1 quantity ratio between methamphetamine mixture and methamphetamine (actual). Should the Commission adopt either of the above options or neither? Should the Commission equalize the treatment of methamphetamine mixture and methamphetamine (actual) but at some level other than the current quantity thresholds for methamphetamine mixture or methamphetamine (actual)? Should the Commission retain references to both methamphetamine mixture and methamphetamine (actual) and set a quantity ratio between these substances but at some level other than the current 10:1 ratio? If so, what ratio should the Commission establish, and what is the basis for such ratio?

2. Option 2 in Subpart 2 of Part B of the proposed amendment would amend § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to establish a 1:1 quantity ratio for methamphetamine (actual) and methamphetamine mixture by setting the quantity thresholds for all methamphetamine at the level of methamphetamine (actual). However, this change may result in an increased offense level for some cases involving methamphetamine (actual). For example, under the current § 2D1.1, 5 grams of a mixture or substance containing 80 percent methamphetamine is treated as 4 grams of methamphetamine (actual), which triggers a base offense level of 22. By contrast, under Option 2, 5 grams of a mixture or substance containing 80 percent methamphetamine would be treated as 5 grams of methamphetamine, which would trigger a base offense level of 24. Is this an appropriate outcome? Why or why not? If not, how should the Commission revise § 2D1.1 to avoid this outcome?

3. Section 2D1.11 (Unlawfully Distributing, Importing, Exporting or Possessing a Listed Chemical; Attempt or Conspiracy) includes a chemical quantity table specifically for ephedrine, pseudoephedrine, and phenylpropanolamine at subsection (d). The table ties the base offense levels for these chemicals to the base offense levels for methamphetamine (actual) set forth in § 2D1.1, assuming a 50 percent actual yield of the controlled substance from the chemicals.

As provided above, Option 1 in Subpart 2 of Part B of the proposed amendment would amend the Drug Quantity Table at § 2D1.1(c) and the Drug Equivalency Tables at Application Note 8(D) of the Commentary to § 2D1.1 to set the quantity thresholds for methamphetamine (actual) at the same level as methamphetamine mixture. If the Commission were to promulgate Option 1, should the Commission amend the table at § 2D1.11(d) and make conforming changes to the quantity thresholds? Should the Commission revise the quantity thresholds in § 2D1.11(d) in a different way? If so, what quantity thresholds should the Commission set and on what basis?

4. Subpart 2 of Part B of the proposed amendment addresses the quantity ratio between methamphetamine mixture and methamphetamine (actual) in § 2D1.1. In addition to comment on the methamphetamine purity distinction, the Commission has received comment suggesting that the Commission should reconsider the different treatment between cocaine (*i.e.,* ''powder cocaine'') and cocaine base (*i.e.,* ''crack cocaine'') in the Drug Quantity Table at § 2D1.1(c). Section 2D1.1 provides base offense levels for offenses involving powder cocaine and crack cocaine that reflect an 18:1 quantity ratio, which tracks the statutory penalty structure for those substances. *See* 21 U.S.C. 841(b)(1)(A) & (B); 960(b)(1) & (2). The Commission has examined this issue for many years and seeks comment on whether to take action in a future amendment cycle. If so, what action should the Commission take?

(C) Misrepresentation of Fentanyl and Fentanyl Analogues

Synopsis of Proposed Amendment: In 2018, the Commission amended § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to add a new specific offense characteristic at subsection (b)(13) providing a 4-level increase whenever the defendant knowingly misrepresented or knowingly marketed as another substance a mixture or substance containing fentanyl or a fentanyl analogue. *See* USSG, App. C. amend. 807 (effective Nov. 1, 2018). To address the increase in cases involving the distribution of fentanyl and fentanyl analogues and the seizure of fake prescription pills containing fentanyl, the Commission revised § 2D1.1(b)(13) in 2023 to add a new subparagraph (B) with an alternative 2-level enhancement for offenses where the defendant represented or marketed as a legitimately manufactured drug another mixture or substance containing fentanyl or a fentanyl analogue, and acted with willful blindness or conscious avoidance of knowledge that such mixture or substance was not the

legitimately manufactured drug. *See* USSG, App. C. amend. 818 (effective Nov. 1, 2023). In doing so, the Commission cited data showing that, of the fake pills seized containing fentanyl, most contained a potentially lethal dose of the substance. *Id.*

The Commission has received some comment urging the Commission to revise § 2D1.1(b)(13) because courts rarely apply this enhancement. According to those commenters, the enhancement is vague and has led to disagreement on when it should be applied. Some commenters suggested that the Commission lower the *mens rea* requirement in § 2D1.1(b)(13) to solve the application issues with the enhancement and to address the dangerous nature of substances containing fentanyl or a fentanyl analogue.

Part C of the proposed amendment would revise the enhancement at § 2D1.1(b)(13) to address these concerns. Three options are provided.

Option 1 would set forth an offense-based enhancement with no *mens rea* requirement at § 2D1.1(b)(13). The revised enhancement would provide a [2][4]-level enhancement if the offense involved representing or marketing a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance.

Option 2 would set forth a defendant-based enhancement with a *mens rea* requirement at § 2D1.1(b)(13). The revised enhancement would provide for a [2][4]-level enhancement if the defendant represented or marketed a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, with two bracketed alternatives for the *mens rea* requirement. The first bracketed alternative would require that the defendant had knowledge or reason to believe that the mixture or substance contained fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue. The second bracketed alternative would require that the defendant acted with knowledge of or reckless disregard as to the actual content of the mixture or substance.

Option 3 would set forth a tiered alternative enhancement at § 2D1.1(b)(13). Subparagraph (A) would provide for a [4]-level increase if the defendant represented or marketed a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, with two bracketed alternatives for the *mens rea* requirement. The first bracketed alternative would require that the defendant had knowledge or reason to believe that the mixture or substance contained fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue. The second bracketed alternative would require that the defendant acted with knowledge of or reckless disregard as to the actual content of the mixture or substance. Subparagraph (B) would provide for a [2]-level increase if the offense otherwise involved representing or marketing a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance. Subparagraph (B) would not contain a *mens rea* requirement.

Issues for comment are also provided.

Proposed Amendment

Section 2D1.1(b)(13) is amended by striking the following:

''If the defendant (A) knowingly misrepresented or knowingly marketed as another substance a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, increase by 4 levels; or (B) represented or marketed as a legitimately manufactured drug another mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue, and acted with willful blindness or conscious avoidance of knowledge that such mixture or substance was not the legitimately manufactured drug, increase by 2 levels. The term 'drug,' as used in subsection (b)(13)(B), has the meaning given that term in 21 U.S.C. 321(g)(1).'';

and inserting the following:

[Option 1 (Offense-based enhancement with no mens rea requirement):

''If the offense involved representing or marketing a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, increase by [2][4] levels.''.]

[Option 2 (Defendant-based enhancement with mens rea requirement):

''If the defendant represented or marketed a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, [with knowledge or reason to believe that it contained fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue][with knowledge of or reckless disregard as to the actual content of the mixture or substance], increase by [2][4] levels.''.]

[Option 3 (Tiered alternative provision with a defendant-based enhancement with mens rea requirement and an offense-based enhancement with no mens rea requirement):

''If (A) the defendant represented or marketed a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, [with knowledge or reason to believe that it contained fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue][with knowledge of or reckless disregard as to the actual content of the mixture or substance], increase by [4] levels; or (B) the offense otherwise involved representing or marketing a mixture or substance containing fentanyl (N-phenyl-N-[1-(2-phenylethyl)-4-piperidinyl] propanamide) or a fentanyl analogue as any other substance, increase by [2] levels.''.]

Issues for Comment:

1. Part C of the proposed amendment would amend subsection (b)(13) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) to address some concerns relating to application issues with the enhancement. The Commission seeks comment on whether any of the three options set forth above is appropriate to address the concerns raised by commenters. If not, is there an alternative approach that the Commission should consider? Should the Commission provide a different *mens rea* requirement for § 2D1.1(b)(13)? If so, what *mens rea* requirement should the Commission provide?

2. The Commission enacted § 2D1.1(b)(13) to address cases where individuals purchasing a mixture or substance containing fentanyl or a fentanyl analogue may believe they are purchasing a different substance. The Commission invites general comment on whether the proposed revisions to § 2D1.1(b)(13) are appropriate to address this harm and the culpability of the defendants in these cases. Is the use of terms such as ''representing'' and

''marketing'' sufficient to achieve this purpose? If not, should the Commission use different terminology to appropriately reflect the criminal conduct in these cases? What terms should the Commission use? Should the Commission consider any other changes to § 2D1.1(b)(13) to address the harm in these cases?

(D) Machineguns

Synopsis of Proposed Amendment: Subsection (b)(1) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) provides a 2-level enhancement for cases in which a ''dangerous weapon (including a firearm)'' is possessed. Section 2D1.1(b)(1) does not distinguish between different types of dangerous weapons involved in the offense, which is different from some statutory enhancements. For example, greater statutory penalties are imposed for possession of a machinegun in furtherance of a drug trafficking crime than possession of other firearms. *See* 18 U.S.C. 924(c).

The Department of Justice has expressed concern that § 2D1.1(b)(1) fails to differentiate between machineguns and other weapons. The Department of Justice and other commenters have also noted the increased prevalence of machinegun conversion devices (''MCDs'') (*i.e.,* devices designed to convert weapons into fully automatic firearms), pointing out that weapons equipped with MCDs pose an increased danger because they can fire more quickly and are more difficult to control.

Part D of the proposed amendment would amend the enhancement at § 2D1.1(b)(1) for cases involving the possession of a weapon. It would create a tiered enhancement based on whether the weapon possessed was a machinegun (as defined in 26 U.S.C. 5845(b)) or some other dangerous weapon. Courts would be instructed to apply the greater of either a 4-level enhancement if a machinegun was possessed or a 2-level enhancement if a dangerous weapon was possessed.

An issue for comment is also provided.

Proposed Amendment

Section 2D1.1(b)(1) is amended by striking the following:

''If a dangerous weapon (including a firearm) was possessed, increase by 2 levels.'';

and inserting the following:

''(Apply the greater):

(A) If a machinegun (as defined in 26 U.S.C. 5845(b)) was possessed, increase by [4] levels;

(B) If a dangerous weapon (including a firearm) was possessed, increase by 2 levels.''.

The Commentary to § 2D1.1 captioned ''Application Notes'' is amended in Note 11(B) by striking ''dangerous weapon'' and inserting ''weapon''.

Issue for Comment:

1. Subsection (b)(1) of § 2D1.1 (Unlawful Manufacturing, Importing, Exporting, or Trafficking (Including Possession with Intent to Commit These Offenses); Attempt or Conspiracy) applies if ''a dangerous weapon . . . was possessed'' as part of the offense and does not require that the defendant possessed the weapon. In addition, the Commentary to § 2D1.1 provides that the enhancement ''should be applied if the weapon was present, unless it is clearly improbable that the weapon was connected with the offense.'' *See* USSG § 2D1.1, comment. (n.11(A)). Therefore, § 2D1.1(b)(1) may apply more broadly than other weapons-related provisions elsewhere in the guidelines. The Commission seeks comment on whether the changes set forth in Part D of the proposed amendment are appropriate in light of these factors. Should the Commission consider additional changes to § 2D1.1(b)(1) to address these considerations? What changes, if any, should the Commission consider?

(E) Safety Valve

Synopsis of Proposed Amendment: Section 3553(f) of title 18, United States Code, allows a court to impose a sentence without regard to any statutory minimum penalty if it finds that a defendant meets certain criteria. The safety valve applies only to offenses under 21 U.S.C. 841, § 844, § 846, § 960, or § 963, or 46 U.S.C. 70503 or § 70506, and to defendants who, among other things, ''truthfully provided to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan.'' *See* 18 U.S.C. 3553(f). When it first enacted the safety valve, Congress directed the Commission to promulgate or amend guidelines and policy statements to ''carry out the purposes of [section 3553(f)].'' *See* Violent Crime Control and Law Enforcement Act of 1994, Pub. L. 103–322, 80001(b). The Commission implemented the directive by incorporating the statutory text of section 3553(f) into the guidelines at § 5C1.2 (Limitation on Applicability of Statutory Minimum Sentences in Certain Cases).

Section 5C1.2(a)(5) does not prescribe any particular manner by which a defendant must satisfy the requirement of providing truthful information and evidence to the Government. The Commission has heard concerns, however, that this requirement has been understood to require that the defendant meet directly with the Government. Due to safety concerns, defendants otherwise eligible for the safety valve may forego that benefit due to the requirement of an in-person meeting.

Part E of the proposed amendment would address these concerns by amending the Commentary to § 5C1.2 to add a provision stating that subsection (a)(5) does not specify how the defendant should provide such information and evidence to the Government. It would also provide that the specific manner by which the defendant has disclosed the information—whether by written disclosure or in-person meeting—should not preclude a determination by the court that the defendant has complied with the requirement of disclosing information about the offense, provided that the disclosure satisfies the requirements of completeness and truthfulness. It would state that the fact that the defendant provided the information as a written disclosure shall not by itself render the disclosure—if otherwise found complete and truthful—insufficient.

An issue for comment is also provided.

Proposed Amendment

The Commentary to § 5C1.2 captioned ''Application Notes'' is amended in Note 4 by striking the following:

''*Use of Information Disclosed under Subsection (a).*—Information disclosed by a defendant under subsection (a) may not be used to enhance the sentence of the defendant unless the information relates to a violent offense, as defined in Application Note 1(A).'';

and inserting the following:

''*Application of Subsection (a)(5).*—

(A) *Disclosure of Information by the Defendant.*—Under subsection (a)(5), the defendant is required, not later than the time of the sentencing hearing, to truthfully provide to the Government all information and evidence the defendant has concerning the offense or offenses that were part of the same course of conduct or of a common scheme or plan. Subsection (a)(5) does not specify how the defendant should provide such information and evidence to the Government. The specific manner by which the defendant has disclosed the information—whether by written disclosure or in-person meeting—

should not preclude a determination by the court that the defendant has complied with this requirement, provided that the disclosure satisfies the requirements of completeness and truthfulness. The fact that the defendant provided the information as a written disclosure shall not by itself render the disclosure—if otherwise found complete and truthful—insufficient.

(B) *Use of Information Disclosed.*—Information disclosed by a defendant under subsection (a) may not be used to enhance the sentence of the defendant unless the information relates to a violent offense, as defined in Application Note 1(A).''.

Issue for Comment:

1. The Commission seeks comment on whether the changes set forth in Part E of the proposed amendment are appropriate to address the concerns raised by commenters. If not, is there an alternative approach that the Commission should consider?

[FR Doc. 2025–02129 Filed 2–3–25; 8:45 am]

BILLING CODE 2210–40–P

Reader Aids

Federal Register

Vol. 90, No. 22

Tuesday, February 4, 2025

CUSTOMER SERVICE AND INFORMATION

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications is located at: **www.govinfo.gov.**

Federal Register information and research tools, including Public Inspection List and electronic text are located at: **www.federalregister.gov.**

E-mail

FEDREGTOC (Daily Federal Register Table of Contents Electronic Mailing List) is an open e-mail service that provides subscribers with a digital form of the Federal Register Table of Contents. The digital form of the Federal Register Table of Contents includes HTML and PDF links to the full text of each document.

To join or leave, go to **https://public.govdelivery.com/accounts/USGPOOFR/subscriber/new**, enter your email address, then follow the instructions to join, leave, or manage your subscription.

PENS (Public Law Electronic Notification Service) is an e-mail service that notifies subscribers of recently enacted laws.

To subscribe, go to **http://listserv.gsa.gov/archives/publaws-l.html and select** *Join or leave the list (or change settings);* then follow the instructions.

FEDREGTOC and **PENS** are mailing lists only. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to: **fedreg.info@nara.gov**

The Federal Register staff cannot interpret specific documents or regulations.

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

Public Laws Electronic Notification Service (PENS)

PENS is a free email notification service of newly enacted public laws. To subscribe, go to *https://portalguard.gsa.gov/__*layouts/PG/register.aspx.

Note: This service is strictly for email notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.