

capitalization of \$5 billion or more that list on or after the date of approval of the proposed rule change. For the reasons stated above, the Commission also believes that the proposal does not unfairly discriminate among issuers and is therefore consistent with Section 6(b)(5) of the Act. In addition, the Commission believes that the proposed rule reflects the current competitive environment for exchange listings among national securities exchanges, and is appropriate and consistent with Section 6(b)(8) of the Act.<sup>37</sup>

Further, the Commission believes that describing in the Exchange's rules the products and services available to Eligible Companies and their associated values, as well as the length of time companies are entitled to receive such services, will ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed, that would raise unfair discrimination issues under the Act.<sup>38</sup> The Commission has previously found that the package of complimentary services offered to Eligible Companies 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 companies.<sup>39</sup> As discussed above, the Commission believes that adding the Advanced ESG Services to the complimentary services package offered to Eligible Switches with a market capitalization of \$5 billion or more for Eligible Switches that list on or after the effective date of the proposed rule change is consistent with Section 6(b)(5) of the Act. As stated above, the Commission also believes that the proposal does not unfairly discriminate among issuers and is therefore consistent with Section 6(b)(5) of the Act. For similar reasons, the Commission believes that the packages of complimentary services to be offered pursuant to Nasdaq's proposal are equitably allocated among issuers

consistent with Section 6(b)(4) of the Act.

The Commission also believes that it is reasonable, and required by Section 19(b) of the Act,<sup>40</sup> that Nasdaq amend its rules to update the products and services it offers to Eligible Companies contained in Nasdaq Rules IM-5900-7 and IM-5900-7A, including the time periods for which such products and services are offered and the commercial value of such products and services. This provides greater transparency to the Exchange's rules and the fees, and the value of complementary products and services, applicable to Eligible Companies.

Finally, the Commission finds that it is consistent with Section 6(b)(5) of the Act<sup>41</sup> for Nasdaq to make various technical and conforming revisions, as described above,<sup>42</sup> to facilitate clarity of its rules.

*Conclusion*

*It is therefore ordered*, pursuant to Section 19(b)(2) of the Act,<sup>43</sup> that the proposed rule change (SR-NASDAQ-2023-017) be, and it hereby is, approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>44</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

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**BILLING CODE 8011-01-P**

**SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #18143 and #18144; Georgia Disaster Number GA-00158]**

**Presidential Declaration of a Major Disaster for the State of Georgia**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for the State of Georgia (FEMA-4738-DR), dated 09/07/2023.

*Incident:* Hurricane Idalia.

*Incident Period:* 08/30/2023.

<sup>40</sup> See Exchange Act Release No. 72669 (July 24, 2014), 79 FR 44234, 44236, n.39 (July 30, 2014) (SR-NASDAQ-2014-058) ("We would expect Nasdaq, consistent with Section 19(b) of the Exchange Act, to periodically update the retail values of services offered should they change. This will help to provide transparency to listed companies on the value of the free services they receive and the actual costs associated with listing on Nasdaq.")

<sup>41</sup> 15 U.S.C. 78f(b)(5).

<sup>42</sup> See *supra* note 25 and accompanying text.

<sup>43</sup> 15 U.S.C. 78s(b)(2).

<sup>44</sup> 17 CFR 200.30-3(a)(12).

**DATES:** Issued on 09/07/2023.

*Physical Loan Application Deadline Date:* 11/06/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 06/07/2024.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the President's major disaster declaration on 09/07/2023, applications for disaster loans may be filed at the address listed above or other locally announced locations.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties (Physical Damage and Economic Injury Loans):* Cook, Glynn, Lowndes.

*Contiguous Counties (Economic Injury Loans Only):*

Georgia: Berrien, Brantley, Brooks, Camden, Colquitt, Echols, Lanier, McIntosh, Tift, Wayne.

Florida: Hamilton, Madison.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Homeowners with Credit Available Elsewhere .....	5.000
Homeowners without Credit Available Elsewhere .....	2.500
Businesses with Credit Available Elsewhere .....	8.000
Businesses without Credit Available Elsewhere .....	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	2.375
Non-Profit Organizations without Credit Available Elsewhere .....	2.375
<i>For Economic Injury:</i>	
Businesses & Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	2.375

The number assigned to this disaster for physical damage is 18143 8 and for economic injury is 18144 0.

<sup>37</sup> 15 U.S.C. 78f(b)(8).

<sup>38</sup> See 2016 Approval Order, *supra* note 35, at 85665 (citing NYSE Approval Order, *supra* note 35, at 51452). The Commission notes that Nasdaq represents that no other company will be required to pay higher fees as a result of the proposal, that the proposal will have no impact on the resources available for its regulatory programs, and that the proposal will help to ensure that individual listed companies are not given specially negotiated packages of products or services to list, or remain listed. See *supra* note 26 and accompanying text.

<sup>39</sup> See 2016 Approval Order, *supra* note 35, at 85665; 2011 Approval Order, *supra* note 35, at 79266.

(Catalog of Federal Domestic Assistance Number 59008)

**Francisco Sánchez, Jr.,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2023–20060 Filed 9–15–23; 8:45 am]

BILLING CODE 8026–09–P

## SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #18069 and #18070; Mississippi Disaster Number MS–00156]

### Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Mississippi

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 1.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Mississippi (FEMA–4727–DR), dated 08/12/2023.

*Incident:* Severe Storms, Straight-line Winds, and Tornadoes.

*Incident Period:* 06/14/2023 through 06/19/2023.

**DATES:** Issued on 09/07/2023.

*Physical Loan Application Deadline Date:* 10/11/2023.

*Economic Injury (EIDL) Loan Application Deadline Date:* 05/13/2024.

**ADDRESSES:** Submit completed loan applications to: U.S. Small Business Administration, Processing and Disbursement Center, 14925 Kingsport Road, Fort Worth, TX 76155.

**FOR FURTHER INFORMATION CONTACT:** A. Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

**SUPPLEMENTARY INFORMATION:** The notice of the President’s major disaster declaration for Private Non-Profit organizations in the State of Mississippi, dated 08/12/2023, is hereby amended to include the following areas as adversely affected by the disaster.

*Primary Counties:* Adams, Amite, Attala, Franklin, Greene, Holmes, Humphreys, Itawamba, Jones, Perry, Warren, Yazoo.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Francisco Sánchez, Jr.,**

*Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2023–20062 Filed 9–15–23; 8:45 am]

BILLING CODE 8026–09–P

## SURFACE TRANSPORTATION BOARD

[Docket No. FD 36694]

### Colorado Pacific Rio Grande Railroad, LLC—Petition for Exemption—Acquisition and Operation of Line of Railroad in Costilla County, Colorado

The Colorado Pacific Rio Grande Railroad, LLC (CP Rio Grande), a Class III carrier, filed a petition for exemption on June 20, 2023, seeking after-the-fact authority to acquire in bankruptcy and operate 1.53 miles of track extending from milepost 0.0 in Blanca, Colo., to milepost 1.53 in McClintock, Colo. (the Blanca Spur).<sup>1</sup> This petition follows CP Rio Grande’s recent acquisition of substantially all assets of the San Luis & Rio Grande Railroad, Inc. (SLRG), in *Colorado Pacific Rio Grande Railroad—Acquisition & Operation Exemption Containing Interchange Commitment—San Luis & Rio Grande Railroad*, FD 36656 (STB served Jan. 5, 2023).

#### Background

According to CP Rio Grande, the Blanca Spur was originally part of a 31-mile line completed in 1910 by the San Luis Valley Southern Railroad that ran from Blanca, Colo., to Jaroso, Colo., and connected to the tracks of the Denver & Rio Grande Railroad. (Pet. 3.) This line was acquired by the Southern San Luis Valley Railroad (the old SSLV) in 1953, at the direction of the Interstate Commerce Commission, the Board’s predecessor agency. (*Id.*) Over time, the old SSLV abandoned and sold off sections of the line, leaving only the Blanca Spur remaining, which the old SSLV ceased operating by the mid-1990s. (*Id.*) However, the old SSLV never sought abandonment authority for the Blanca Spur. (*Id.*) Instead, it sold the Blanca Spur and the underlying right-of-way in 2000 to Richard Vondrak of Conejos County, Colo., before dissolving as an entity shortly thereafter. (*Id.*)

According to CP Rio Grande, Mr. Vondrak never sought or received Board approval to acquire or operate the Blanca Spur. (*Id.*) In 2007, he sold his interests in the Blanca Spur and the underlying right-of-way to Iowa Pacific Holdings, LLC (IPH), a railroad holding company and the parent of Permian Basin Railways (PBR), which in turn owned SLRG. (*Id.*) IPH did not seek authority for that transaction. Instead, in 2012, a newly formed Southern San Luis Valley Railroad, LLC (the new SSLV), filed a verified notice of exemption to acquire and operate the

Blanca Spur from IPH, asking the Board to exempt IPH’s 2007 transaction, arguing that there was no need for the Board to require IPH to “unscramble” it. *See S. San Luis Valley R.R.—Acquisition & Operation Exemption—Iowa Pac. Holdings, LLC*, FD 35586, slip op. at 2 (STB served Feb. 10, 2012). In a related transaction, PBR sought an exemption to continue in control of the new SSLV upon SSLV’s becoming a Class III carrier. *See Iowa Pac. Holdings, LLC—Continuance in Control—S. San Luis Valley R.R.*, FD 35585 (STB served Feb. 10, 2012). The Board, considering the two proceedings together, rejected the new SSLV’s request and denied PBR’s request as moot due to the insufficiency of the record. *S. San Luis Valley*, slip op. at 3. The Board stated that should IPH wish to proceed with the contemplated transactions, it should trace the history of the Blanca Spur as well as it could, with supporting evidence, and request specific authority from the Board for this prior transaction, *id.*, but IPH did not do so, (Pet. 4).

CP Rio Grande further states that SLRG was placed into involuntary Chapter 11 bankruptcy in October 2019, with the order granting relief for the petition being entered on November 7, 2019. (Pet. 5.) In March 2021, IPH filed for Chapter 7 bankruptcy, but it was dismissed on January 6, 2022. (*Id.*) As part of a litigation settlement agreement entered during those proceedings, the ownership of the Blanca Spur was transferred from IPH to SLRG’s bankruptcy trustee, which the bankruptcy court approved on July 14, 2022. (*Id.*) SLRG’s bankruptcy trustee conveyed the Blanca Spur to CP Rio Grande under a purchase and sale agreement in January 2023. (*Id.*) CP Rio Grande filed a notice of exemption in *Colorado Pacific Rio Grande Railroad*, Docket No. FD 36656, for the acquisition of most of SLRG’s assets on December 20, 2022, and later filed this petition for exemption on June 20, 2023. (Pet. 5.)

#### Discussion and Conclusions

The Board finds that CP Rio Grande has supplied information sufficient to grant this petition.<sup>2</sup> The petition and supporting documents trace the ownership history of the Blanca Spur and do not reveal any extant dispute over CP Rio Grande’s ownership of the Blanca Spur. The documents show that SSLV sold the Blanca Spur to Mr. Vondrak on July 14, 2000, (*id.*, Ex. B), before he then sold it to IPH on May 24, 2007, (*id.*, Ex. B). During the bankruptcy

<sup>1</sup> Despite the name, the Blanca Spur is not excepted spur track but track over which the Board has licensing authority.

<sup>2</sup> In situations requiring after-the-fact acquisition authority, the Board strongly encourages parties to file for such authority as soon as possible.