

what is the timeline that the Department should consider for a State to make such changes?

J. Federal UC Program Oversight and Audits

The regulation currently requires State UC agencies to share confidential UC information with OIG for investigative purposes and permits disclosure of confidential UC information to OIG for the purposes of UC program oversight and audits. ETA is considering requiring States to disclose confidential UC information to OIG at regular intervals, as described in questions 42–44 above. In recent years, OIG has made requests for access to State confidential UC information to assist with its oversight and audits of the UC program. In response to these requests, ETA issued Training and Employment Notice (TEN) No. 05–22, which reminds States of OIG’s authority under the Inspector General Act (IG Act) to access information necessary for carrying out its duties and responsibilities under the IG Act and strongly encourages States to comply with data requests made by OIG. As noted, providing the requested data to OIG does not conflict with Federal regulations regarding the permissibility of disclosing confidential UC information for the purposes of UC program oversight and audits.

110. Are there currently any impediments to OIG getting access to confidential UC information for the purposes of UC program oversight and audits? This can include statutory, logistical, operational, financial, or any other impediments.

111. Should there be revisions to the regulation to explicitly address that written agreements are not required for disclosure to OIG, consistent with current guidance? If so, please explain why.

112. What, if any, safeguards should be in place for disclosures to OIG for purposes of UC program oversight and audits?

113. Under the current part 603, State UC agencies are permitted to disclose confidential UC information of the purposes of UC program oversight and audits. If State UC agencies were required to disclose confidential UC information to OIG for purposes of UC program oversight and audits, are there any considerations that the Department should be aware of? If so, please describe.

114. If the Department were to specify safeguards, security requirements, or agreement requirements associated with disclosure of confidential UC information to OIG for purposes of UC

program oversight and audits, would there be any time burdens or other costs incurred by State UC agencies?

115. How often do States receive OIG requests for confidential UC information for purposes of UC program oversight and audits?

K. Miscellaneous

116. Are you aware of any access concerns related to State UC agency staff participation in Federal UC program oversight and audits (for example, participation in Benefit Accuracy Measurement, Benefits Timeliness and Quality, or other Federal reviews)? If so, please describe the concerns.

117. Are there any methods that the Department could utilize to quantify the reduction in risk associated with enhanced protections for confidential UC information?

118. When disclosing confidential UC information, do State UC agencies have established protocols for masking/suppressing data to comply with part 603? If so, please generally describe.

119. To the extent that established protocols for masking/suppressing confidential UC data exist, are there methods the Department should consider to ease burden on State UC agencies while still protecting the underlying confidential UC information?

120. Are there industry-accepted best practices for suppressing or masking confidential UC information?

121. If the Department revises part 603, what penalties might State UC agencies incur associated with existing contracts?

VI. Conclusion

The Department invites interested parties to submit comments, information, data, and supporting materials based on the questions provided in this RFI. The Department has provided the list of questions above as a framework for the scope of this RFI and invites any submission from interested stakeholders that addresses some or all of these questions or provides other useful information in addition to responses to these questions for the Department’s consideration.

Brent Parton,

Acting Assistant Secretary for Employment and Training, Labor.

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 110

[Docket Number USCG–2016–0132]

RIN 1625–AA01

Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY

AGENCY: Coast Guard, DHS.

ACTION: Advance notice of proposed rulemaking; withdrawal.

SUMMARY: The Coast Guard is withdrawing the advance notice of proposed rulemaking titled “Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY” published in the **Federal Register** on June 9, 2016. After a review of comments, the Coast Guard suspended rulemaking action in 2017 to allow for further study and analysis of the need, impact, and appropriateness of the requested anchorage grounds. Among other reasons, while examining whether there was a need for a proposed rule, section 8437 of the Elijah E. Cummings Coast Guard Authorization Act of 2020 suspended the establishment of new anchorage grounds on the Hudson River between Yonkers, NY and Kingston, NY. Consequently, the Coast Guard currently lacks authority to establish new anchorages in this region. Accordingly, we have determined withdrawal of this advance notice of proposed rulemaking titled “Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY” published in the **Federal Register** on June 9, 2016, is appropriate at this time. The Coast Guard will continue to enforce current regulations and may undertake future rulemaking actions as required and authorized to protect the waterway, the users of the waterway, and the marine transportation system. **DATES:** The advance notice of proposed rulemaking published on June 9, 2016 (81 FR 37168) and the comment period extended on September 7, 2016, (81 FR 61639) are withdrawn as of July 25, 2023.

ADDRESSES: The docket for the withdrawn advance notice of proposed rulemaking is available at the Federal eRulemaking Portal at <https://www.regulations.gov>. Please search for docket number USCG–2016–0132.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notice, call or email Mr. Craig Lapiejko, First Coast Guard District (dpw), U.S. Coast Guard: telephone 617–603–8592, email craig.d.lapiejko@uscg.mil.

SUPPLEMENTARY INFORMATION:**I. Table of Abbreviations**

ANPRM	Advance Notice of Proposed Rulemaking
CFR	Code of Federal Regulations
DHS	Department of Homeland Security
FR	Federal Register
MSIB	Marine Safety Information Bulletin
NY	New York
PANYNJ	Port Authority of New York and New Jersey
PAWSA	Ports and Waterways Safety Assessment
§	Section
U.S.C.	United States Code

II. Background

The Hudson River historically has been and will remain a vital corridor for maritime commerce. The river also serves as a source of drinking water, recreation, tourism, and economic prosperity. The Coast Guard's role includes promoting navigational safety and protecting the environment. These are complementary objectives, as safer navigation inherently improves environmental protection. It is for these stewardship reasons that we published an Advance Notice of Proposed Rulemaking (ANPRM) in June 2016 to better understand the need for and potential locations of anchorages that could help improve navigation safety and environmental protection. In examining whether there is a need for a proposed rule, we selected the ANPRM from many possible tools because it provided public participation at the earliest possible opportunity.

The Coast Guard published two documents related to the 2016 ANPRM. On June 9, 2016, the Coast Guard published the ANPRM itself, titled "Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY" in the **Federal Register** and then extended the comment period on September 7, 2016 (81 FR 61639). Again, the intent of the ANPRM was to initiate the early stage of a methodical and public rulemaking process to learn all possible navigational, environmental, terrestrial, and other effects of adding anchorages on the Hudson River. Establishing new anchorage grounds in the Hudson River from Yonkers, NY, to Kingston, NY, were being contemplated after we received a request suggesting that anchorage grounds may improve navigational safety along an extended portion of the Hudson River.

When the ANPRM comment period closed on December 6, 2016, the Coast Guard had received 10,212 public submissions with comments on the subject from many diverse stakeholders. A memorandum summarizing the comments is included in this docket.

After a review of the comments, the Coast Guard suspended future rulemaking decisions and directed a formal risk identification and evaluation of the Hudson River, known as a Ports and Waterways Safety Assessment (PAWSA). The results of this assessment process identifying major waterway safety hazards, estimated risk levels, existing risk mitigations, additional risk intervention strategies, and participant comments and observations are outlined in the report. The 2017 Hudson River PAWSA report is included in this docket.

As recommended by the 2017 Hudson River PAWSA, and responding to other requests, to provide clarity on the term "Port of New York" we studied its usage within federal anchorage regulations, as well as its current and historic usage by the agencies charged with administering those regulations. At the time Coast Guard Sector New York released Marine Safety Information Bulletin (MSIB)—(2015–014), which can be found in this docket, the "Port of New York" was viewed as synonymous with "Sector New York Captain of the Port Zone," so the anchoring prohibition within the "Port of New York" was seen as applicable on the Hudson River to Albany, NY. We have now determined, based on historical research, that the term "Port of New York" encompasses the navigable waters within approximately a 25-mile radius from the Statue of the Liberty. Which is to say, the "Port of New York" only extends up the Hudson River to just south of the Governor Mario M. Cuomo Bridge and not the entire Hudson River to Albany, NY. The specific boundary points for the "Port of New York" are the same as the "Port of New York District" created by a 1921 inter-state compact between New York and New Jersey and now referred to as the "Port of New York and New Jersey". Consequently, mariners operating outside the Port of New York are not subject to the anchoring prohibition cited in 33 CFR 110.155(l)(2), and must comply with the Inland Navigation Rules, which are codified in 33 CFR part 83, when anchoring in the Hudson River. The complete "Port of New York" report detailing the Coast Guards historical research supporting this determination is included in this docket.

A provision related to the Hudson River was included in the Elijah E. Cummings Coast Guard Authorization Act of 2020, which is included in the National Defense Authorization Act for

Fiscal Year 2021.¹ In section 8437, Congress suspended the establishment of new anchorage grounds on the Hudson River between Yonkers, NY and Kingston, NY. Consequently, the Coast Guard has no legal authority to establish any new anchorages in this region without a change to current legislation.

Additionally, section 8437(d), directed the Coast Guard, in consultation with the Hudson River Safety, Navigation, and Operations Committee (HRSNOC), to conduct a study of the Hudson River north of Tarrytown, New York. This study was to examine—(1) the nature of vessel traffic including vessel types, sizes, cargoes, and frequency of transits; (2) the risks and benefits of historic practices for commercial vessels anchoring; and (3) the risks and benefits of establishing anchorage grounds on the Hudson River. The Coast Guard's report submitted to Congress on February 28, 2023, containing the findings, conclusions, and recommendations titled "Establishing Anchorage Grounds on the Hudson River" is available in this docket.

III. Withdrawal

The Coast Guard is withdrawing the ANPRM published on June 9, 2016. As discussed in the background section above, after reviewing the 10,212 comments provided during the 2016 ANPRM, after considering the results of the 2017 Hudson River PAWSA, after our research of the regulatory history of the Port of New York, after Congress suspended our legal authority to establish any new anchorage grounds in this region, and after conducting a study and providing a report to Congress, we no longer are considering creating 10 new anchorage grounds on the Hudson River from Yonkers, NY, to Kingston, NY.

The Coast Guard's role on the river will continue to include promoting navigational safety and protecting the environment. These are complementary objectives, as safer navigation inherently improves environmental protection. We will also continue to monitor the river and identify any regulatory gaps that allow unacceptable risk to the environment, the marine transportation system, or the users of the waterway. If regulatory gaps are identified, the Coast Guard is committed to engaging in an open, public process that allows all stakeholders to educate the agency and assist in developing the best regulatory solution possible.

¹Public Law 116–283; JAN. 1, 2021; 134 STAT. 3388, 4633. Sec. 8437 may be found at 134 Stat. 4736.

As of publication of this notice, the ANPRM entitled “Anchorage Grounds, Hudson River; Yonkers, NY to Kingston, NY” published in the **Federal Register** on June 9, 2016, will be withdrawn.

This document is issued under authority of 5 U.S.C. 552(a).

Dated: July 13, 2023.

J.W. Mauger,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[FF09E21000 FXES1111090FEDR 234]

Endangered and Threatened Wildlife and Plants; Two Species Not Warranted for Listing as Endangered or Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notification of findings.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce findings that two species are not warranted for listing as endangered or threatened species under the Endangered Species Act of 1973, as amended (Act). After a thorough review of the best available scientific and commercial information, we find that it is not warranted at this time to list the Illinois chorus frog (*Pseudacris illinoensis*) and Venus flytrap (*Dionaea muscipula*). However, we ask the public to submit to us at any time any new information relevant to the status of any of the species mentioned above or their habitats.

DATES: The findings in this document were made on July 25, 2023.

ADDRESSES: Detailed descriptions of the bases for these findings are available on the internet at <https://www.regulations.gov> under the following docket numbers:

Species	Docket No.
Illinois chorus frog.	FWS–R3–ES–2023–0040
Venus flytrap	FWS–R4–ES–2023–0041

Those descriptions are also available by contacting the appropriate person as specified under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions concerning this finding to

the appropriate person, as specified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT:

Species	Contact information
Illinois chorus frog.	Kraig McPeak, Field Supervisor, Illinois and Iowa Ecological Services Field Office, kraig_mcpeak@fws.gov , 309–757–5800.
Venus flytrap	Dale Suiter, Botanist, Raleigh Ecological Services Field Office, dale_suiter@fws.gov , 919–856–4520.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION:

Background

Under section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), we are required to make a finding on whether or not a petitioned action is warranted within 12 months after receiving any petition that we have determined contains substantial scientific or commercial information indicating that the petitioned action may be warranted (hereafter a “12-month finding”). We must make a finding that the petitioned action is: (1) Not warranted; (2) warranted; or (3) warranted but precluded by other listing activity. We must publish a notification of these 12-month findings in the **Federal Register**.

Summary of Information Pertaining to the Five Factors

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations at part 424 of title 50 of the Code of Federal Regulations (50 CFR part 424) set forth procedures for adding species to, removing species from, or reclassifying species on the Lists of Endangered and Threatened Wildlife and Plants (Lists). The Act defines “species” as including any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature (16 U.S.C. 1532(16)). The Act defines “endangered species” as any species that is in danger of extinction throughout all or a significant portion of its range (16 U.S.C. 1532(6)), and

“threatened species” as any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(20)). Under section 4(a)(1) of the Act, a species may be determined to be an endangered species or a threatened species because of any of the following five factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the expected response by the species, and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the Act’s definition of an