

**OFFICE OF THE UNITED STATES
TRADE REPRESENTATIVE**

15 CFR Part 2004

RIN 0350-AA13

**Technical Amendment: Freedom of
Information Act Policies and
Procedures**

AGENCY: Office of the United States Trade Representative (USTR).

ACTION: Interim final rule with request for comments.

SUMMARY: This rule makes a minor technical change to the USTR Freedom of Information Act (FOIA) regulation.

DATES: The interim final rule is effective on July 25, 2023. The deadline for the submission of written comments is August 24, 2023.

ADDRESSES: You should submit written comments to FOIA@ustr.eop.gov.

FOR FURTHER INFORMATION CONTACT: Janice Kaye or Monique Ricker at FOIA@ustr.eop.gov or 202-395-3150.

SUPPLEMENTARY INFORMATION:

I. Technical Change

On December 15, 2016, USTR published a final rule comprehensively revising its FOIA regulation. See 81 FR 90715. This rule makes a technical change to § 2004.6 to align the USTR rule with the statute and Office of Information Policy guidance about the compelling circumstances under which an agency must grant expedited processing. 5 U.S.C. 552(a)(6)(E); <https://www.justice.gov/oip/oip-guidance/guidance-agency-foia-regulations>. More specifically, USTR is revising the instances in which a requester demonstrates a “compelling need” in § 2004.6(d)(2) to include when USTR determines that a failure to obtain requested records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or with respect to a request made by a person primarily engaged in disseminating information, there is urgency to inform the public concerning actual or alleged Federal Government activity.

II. Regulatory Flexibility Act

USTR has considered the impact of the interim final rule and determined that it is not likely to have a significant economic impact on a substantial number of small business entities because it is applicable only to USTR’s internal operations and legal obligations. See 5 U.S.C. 601 *et seq.*

III. Paperwork Reduction Act

The interim final rule does not contain any information collection requirement that requires the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

IV. Administrative Procedure Act (APA)

The interim final rule makes a technical, conforming amendment to a procedural rule applicable only to USTR’s internal operations and legal obligations. Publication of a proposed rule is not required under 5 U.S.C. 553(b)(3)(A). For these reasons, USTR finds good cause for the rule to become effective upon publication. Because USTR values public input, it will accept comments on the interim final rule for 30 days, and will make changes to the final rule if warranted.

List of Subjects in 15 CFR Part 2004

Administrative practice and procedure, Courts, Disclosure, Exemptions, Freedom of information, Government employees, Privacy, Records, Subpoenas, Testimony.

For the reasons stated in the preamble, USTR is amending chapter XX of title 15 of the Code of Federal Regulations as follows:

**PART 2004—DISCLOSURE OF
RECORDS AND INFORMATION**

- 1. Add an authority citation for part 2004 to read as follows:

Authority: 19 U.S.C. 2171(e)(3).

**Subpart B—Freedom of Information
Act Policies and Procedures**

- 2. The authority citation for subpart B of part 2004 continues to read as follows:

Authority: 5 U.S.C. 552; 19 U.S.C. 2171(e)(3); Uniform Freedom of Information Act Fee Schedule and Guidelines, 52 FR 10012, Mar. 27, 1987.

- 3. Amend § 2004.6 by:
 - a. Revising paragraphs (d)(2)(i) and (ii); and
 - b. Removing paragraphs (d)(2)(iii) and (iv).

The revisions read as follows:

**§ 2004.6 When will we respond to your
FOIA request?**

- * * * * *
- (d) * * *
- (2) * * *

(i) Failure to obtain the records on an expedited basis could reasonably be expected to pose an imminent threat to the life or physical safety of an individual; or

(ii) With respect to a request made by a person primarily engaged in disseminating information, there is an urgency to inform the public about a specific actual or alleged Federal Government activity that is the subject of the request or appeal that extends beyond the public’s right to know about government activity generally.

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Janice Kaye,
Chief FOIA Officer, Office of the United States Trade Representative.

[FR Doc. 2023-15641 Filed 7-24-23; 8:45 am]

BILLING CODE 3390-F3-P

**DEPARTMENT OF HOMELAND
SECURITY**

Coast Guard

33 CFR Part 165

[Docket No. USCG-2023-0599]

**Annual Events in the Captain of the
Port Buffalo Zone—July and August
2023**

AGENCY: Coast Guard, DHS.

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce certain safety zones located in the federal regulations for Annual Events in the Captain of the Port Buffalo Zone. This action is necessary and intended to protect the safety of life and property on navigable waters prior to, during, and immediately after these events. During each enforcement period, no person or vessel may enter the respective safety zone without the permission of the Captain of the Port Buffalo or their designated representative.

DATES: The regulations in 33 CFR 165.939 as listed in table 165.939 will be enforced for the safety zones identified in the **SUPPLEMENTARY INFORMATION** section below for the dates and times specified.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, contact LT William Kelley, Chief of Waterways Management, Sector Buffalo, U.S. Coast Guard; telephone 716-843-9391, email D09-SMB-SECBuffalo-WWM@uscg.mil.

SUPPLEMENTARY INFORMATION: The regulations in 33 CFR 165.939 as listed in table 165.939 will be enforced for the safety zones identified below for the dates and times specified.

(1) *Tonawanda’s Canal Fest Fireworks, Tonawanda, NY;* The safety zone listed in (b)(26) will be enforced on all waters of the

East Niagara River within a 210-foot radius of land position 43°01'17.8" N, 078°52'40.9" W in Tonawanda, NY, from 9:15 p.m. through 10:05 p.m. on July 23, 2023.

(2) *Oswego Harborfest, Oswego, NY*: The safety zone listed in (b)(28) will be enforced on all waters within a 600-foot radius of positions 43°28.014' N, 76°31.174' W and 43°27.867' N, 76°31.446' W along with a 350 foot radius of the break wall between positions 43°27'53.0" N, 076°31'25.3" W then Northeast to 43°27'58.6" N, 076°31'12.1" W, from 9:15 p.m. through 10:15 p.m. on July 29, 2023.

(3) *Thunder on the Niagara Hydroplane Boat Races, North Tonawanda, NY*: The safety zone listed in Table 165.939 (c)(4) as All U.S. waters of the Niagara River near the North Grand Island Bridge, encompassed by a line starting at 43°03'32.9" N, 078°54'46.9" W to 43°03'14.6" N, 078°55'16.0" W then to 43°02'39.7" N, 078°54'13.1" W then to 43°02'59.9" N, 078°53'42.0" W and returning to the point of origin will be enforced from 8:30 a.m. through 6:30 p.m. on August 5, 2023, and 8:30 a.m. through 6:30 p.m. on August 6, 2023.

This notice of enforcement is issued under authority of 33 CFR 165.939 and 5 U.S.C. 552(a). Pursuant to 33 CFR 165.23, entry into, transiting, or anchoring within these safety zones during an enforcement period is prohibited unless authorized by the Captain of the Port Buffalo or their designated representative; designation need not be in writing. Those seeking permission to enter these safety zones may request permission from the Captain of the Port Buffalo via channel 16, VHF-FM. Vessels and persons granted permission to enter the safety zone shall obey the directions of the Captain of the Port Buffalo or their designated representative. While within a safety zone, all vessels shall operate at the minimum speed necessary to maintain a safe course.

In addition to this notice of enforcement in the **Federal Register**, the Coast Guard will provide the maritime community with advance notification of the enforcement periods via Broadcast Notice to Mariners or other suitable means. If the Captain of the Port Buffalo determines that the safety zone need not be enforced for the full duration stated in this notice, they may use a Broadcast Notice to Mariners to grant general permission to enter the respective safety zone.

This notification is being issued by the Coast Guard Sector Buffalo Prevention Department Head at the direction of the Captain of the Port.

Dated: July 17, 2023.

Jeff B. Bybee,

Commander, U.S. Coast Guard, Sector Buffalo Prevention Department Head.

[FR Doc. 2023-15697 Filed 7-24-23; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2021-0172; FRL-11166-01-OCSPPI]

N-(n-Octyl)-2-pyrrolidone in Pesticide Formulations; Tolerance Exemption

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This regulation establishes an exemption from the requirement of a tolerance for residues of N-(n-octyl)-2-pyrrolidone (CAS Reg. No. 2687-94-7) when used as an inert ingredient (solvent) in pesticide formulations containing prothioconazole as an active ingredient at a maximum concentration of 15% by weight. International Specialty Products submitted a petition to EPA under the Federal Food, Drug, and Cosmetic Act (FFDCA), requesting the exemption. This regulation eliminates the need to establish a maximum permissible level for residues of N-(n-octyl)-2-pyrrolidone, when used in accordance with the terms of the exemption.

DATES: This regulation is effective July 25, 2023. Objections and requests for hearings must be received on or before September 25, 2023 and must be filed in accordance with the instructions provided in 40 CFR part 178 (see also Unit I.C. of the **SUPPLEMENTARY INFORMATION**).

ADDRESSES: The docket for this action, identified by docket identification (ID) number EPA-HQ-OPP-2021-0172, is available at <http://www.regulations.gov> or at the Office of Pesticide Programs Regulatory Public Docket (OPP Docket) in the Environmental Protection Agency Docket Center (EPA/DC), West William Jefferson Clinton Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC 20460-0001. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room and the OPP docket is (202) 566-1744. Please review the visitor instructions and additional information about the docket available at <http://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Director, Registration Division (7505T), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460-0001; main telephone number: (202) 566-1030; email address: RDPRNotices@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. How can I get electronic access to other related information?

You may access a frequently updated electronic version of 40 CFR part 180 through the **Federal Register** Office's e-CFR site at <https://www.ecfr.gov/current/title-40/chapter-I/subchapter-E/part-180?toc=1>.

C. How can I file an objection or hearing request?

Under FFDCA section 408(g), 21 U.S.C. 346a(g), any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. You must file your objection or request a hearing on this regulation in accordance with the instructions provided in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket ID number EPA-HQ-OPP-2021-0172 in the subject line on the first page of your submission. All objections and requests for a hearing must be in writing, and must be received by the Hearing Clerk on or before September 25, 2023. Addresses for mail and hand delivery of objections and hearing requests are provided in 40 CFR 178.25(b).

In addition to filing an objection or hearing request with the Hearing Clerk as described in 40 CFR part 178, please submit a copy of the filing (excluding any Confidential Business Information (CBI)) for inclusion in the public docket. Information not marked confidential pursuant to 40 CFR part 2 may be disclosed publicly by EPA without prior notice. Submit the non-CBI copy of your objection or hearing request, identified by docket ID number EPA-HQ-OPP-2021-0172, by one of the following methods:

- *Federal eRulemaking Portal:* <https://www.regulations.gov>. Follow the online instructions for submitting