

workshops, meetings, symposia, and other international events related to safety, sustainability, responsible behavior, and emerging markets in outer space until December 31, 2024.

**ADDRESSES:** Solicitations for private sector participation in specific events, including event dates and locations, will be posted at least 30 days prior to the event on <https://www.state.gov/remarks-and-releases-bureau-of-oceans-and-international-environmental-and-scientific-affairs/>.

**FOR FURTHER INFORMATION CONTACT:** Ryan Guglietta, Foreign Affairs Officer, Office of Space Affairs, Bureau of Oceans and International Environmental and Scientific Affairs, Department of State, Washington, DC 20522, email [gugliettart@state.gov](mailto:gugliettart@state.gov).

**SUPPLEMENTARY INFORMATION:** Events will vary in location and format, to include fully online, hybrid, and in-person activities. Short notice modification of plans may be required in response to unpredictable factors. Meetings may be stand alone or on the margins of related events, which may include, but are not limited to, the United Nations Committee on the Peaceful Uses of Outer Space (UNCOPUOS) Scientific and Technical Subcommittee (STSC), the UNCOPUOS Legal Subcommittee (LSC), the UNCOPUOS plenary, the 2024 Summit of the Future, events organized by the UN Office of Outer Space Affairs, and other engagements. There may also be additional opportunities to provide expert views related to domestic policies and U.S. positions in other international diplomatic fora. Please note the limited number of slots for non-USG participation in many events.

Participants should focus on the following:

**Safety:** Identify key safety issues for crewed and/or uncrewed outer space operations. Discuss current attempts to address these issues and suggest new concerns that may develop as private sector space activities advance and evolve.

**Sustainability:** Explore efforts to promote responsible behavior in space. Examine best practices and guidelines aimed at preserving the outer space environment for future space investment, exploration and use. In particular, implementation of the 2019 UNCOPUOS Long-Term Sustainability (LTS) guidelines and the multi-nation Artemis Accords should be considered.

**Emerging Markets:** Discuss the challenges to an economically viable space industry and how these challenges relate to the domestic regulatory and international governance

frameworks. Share recent advances within the commercial space sector and how they may develop in the future. Evaluate how an expanding commercial sector may affect equities like terrestrial based astronomy, planetary protection, orbital debris mitigation, and other aspects of safe and sustainable operations in outer space.

**Valda Vikmanis-Keller,**

*Director, Office of Space Affairs, Department of State.*

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**BILLING CODE 4710-09-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

[Docket Number USTR-2023-0011]

### Applications for Inclusion on the Binational Panels Roster Under the United States-Mexico-Canada Agreement

**AGENCY:** Office of the United States Trade Representative.

**ACTION:** Invitation for applications.

**SUMMARY:** The United States-Mexico-Canada Agreement (USMCA) provides for the establishment of a roster of individuals to serve on binational panels convened to review final determinations in antidumping or countervailing duty (AD/CVD) proceedings and amendments to AD/CVD statutes of a USMCA Party. The United States annually renews its selections for the roster. The Office of the United States Trade Representative (USTR) invites applications from eligible individuals wishing to be included on the roster for the period April 1, 2024, through March 31, 2025.

**DATES:** USTR must receive your application by November 30, 2023.

**ADDRESSES:** You should submit your application through the Federal eRulemaking Portal: <http://www.regulations.gov> (*regs.gov*), using docket number USTR-2023-0011. Follow the instructions for submitting comments below.

**FOR FURTHER INFORMATION CONTACT:**

Thor Petersen, Assistant General Counsel, [Thorvald.J.Petersen@ustr.eop.gov](mailto:Thorvald.J.Petersen@ustr.eop.gov), (202) 395-9599.

**SUPPLEMENTARY INFORMATION:**

#### A. Binational Panel AD/CVD Reviews Under the USMCA

Article 10.12 of the USMCA provides that a party involved in an AD/CVD proceeding may obtain review by a binational panel of a final AD/CVD determination of one USMCA Party

with respect to the products of another USMCA Party. Binational panels decide whether AD/CVD determinations are in accordance with the domestic laws of the importing USMCA Party using the standard of review that would have been applied by a domestic court of the importing USMCA Party. A panel may uphold the AD/CVD determination, or may remand it to the national administering authority for action not inconsistent with the panel's decision. Panel decisions may be reviewed in specific circumstances by a three-member extraordinary challenge committee, selected from a separate roster composed of fifteen current or former judges.

Article 10.11 of the USMCA provides that a USMCA Party may refer an amendment to the AD/CVD statutes of another USMCA Party to a binational panel for a declaratory opinion as to whether the amendment is inconsistent with the General Agreement on Tariffs and Trade (GATT), the GATT Antidumping or Subsidies Codes, successor agreements, or the object and purpose of the USMCA with regard to the establishment of fair and predictable conditions for the liberalization of trade. If the panel finds that the amendment is inconsistent, the two USMCA Parties must consult and seek to achieve a mutually satisfactory solution.

#### B. Roster and Composition of Binational Panels

Annex 10-B.1 of the USMCA provides for the maintenance of a roster of at least 75 individuals for service on chapter 10 binational panels, with each USMCA Party selecting at least 25 individuals. A separate five-person panel is formed for each review of a final AD/CVD determination or statutory amendment. To form a panel, the two USMCA Parties involved each appoint two panelists, normally by drawing upon individuals from the roster. If the Parties cannot agree upon the fifth panelist, one of the Parties, decided by lot, selects the fifth panelist from the roster. The majority of individuals on each panel must consist of lawyers in good standing, and the chair of the panel must be a lawyer.

When there is a request to establish a panel, roster members from the two involved USMCA Parties will complete a disclosure form that is used to identify possible conflicts of interest or appearances thereof. The disclosure form requests information regarding financial interests and affiliations, including information regarding the identity of clients of the roster member and, if applicable, clients of the roster member's firm.

### C. Criteria for Eligibility for Inclusion on Roster

The United States bases the selection of individuals for inclusion on the chapter 10 roster on the eligibility criteria set out in Annex 10–B.1 of the USMCA. Annex 10–B.1 provides that chapter 10 roster members must be citizens of a USMCA Party, must be of good character and of high standing and repute, and are to be chosen strictly on the basis of their objectivity, reliability, sound judgment, and general familiarity with international trade law. Aside from judges, roster members may not be affiliated with the governments of any of the three USMCA Parties. Annex 10–B.1 also provides that, to the fullest extent practicable, the roster shall include judges and former judges.

USTR is committed to diversity, equity, inclusion, and accessibility, and encourages all qualified individuals to apply.

### D. Adherence to the USMCA Code of Conduct for Binational Panelists

The Code of Conduct under chapter 10 and chapter 31 (Dispute Settlement) (see <https://can-mex-usa-sec.org/secretariat/agreement-accord-acuerdo/usmca-aceum-tmec/code-code-codigo.aspx?lang=eng>), which was established pursuant to Article 10.17 of the USMCA, provides that current and former chapter 10 roster members “shall avoid impropriety and the appearance of impropriety and shall observe high standards of conduct so that the integrity and impartiality of the dispute settlement process is preserved.” The Code of Conduct also provides that candidates to serve on chapter 10 panels, as well as those who ultimately are selected to serve as panelists, have an obligation to “disclose any interest, relationship or matter that is likely to affect [their] impartiality or independence, or that might reasonably create an appearance of impropriety or an apprehension of bias.” Annex 10–B.1 of the USMCA provides that roster members may engage in other business while serving as panelists, subject to the Code of Conduct and provided that such business does not interfere with the performance of the panelist’s duties. In particular, Annex 10–B.1 states that “[w]hile acting as a panelist, a panelist may not appear as counsel before another panel.”

### E. Procedures for Selection of Roster Members

Section 412 of the United States–Mexico–Canada Agreement Implementation Act (Pub. L. 116–113 (19 U.S.C. 4582)), establishes

procedures for the selection by USTR of the individuals chosen by the United States for inclusion on the chapter 10 roster. The roster is renewed annually, and applies during the one-year period beginning April 1st of each calendar year.

Under Section 412, an interagency committee chaired by USTR prepares a preliminary list of candidates eligible for inclusion on the chapter 10 roster. After consultation with the Senate Committee on Finance and the House Committee on Ways and Means, the U.S. Trade Representative selects the final list of individuals chosen by the United States for inclusion on the chapter 10 roster.

### F. Applications

USTR invites eligible individuals who wish to be included on the chapter 10 roster for the period April 1, 2024, through March 31, 2025, to submit applications. In order to be assured of consideration, USTR must receive your application by November 30, 2023. Submit applications electronically to *regs.gov*, using docket number USTR–2023–0011. For technical questions on submitting comments on *regs.gov*, please contact the *regs.gov* help desk at *regulationshelpdesk@gsa.gov* or 1–866–498–2945. If you are unable to submit through *regs.gov* after seeking assistance from the help desk, please contact Sandy McKinzy at (202) 395–9483 before transmitting your application and in advance of the deadline.

In order to ensure the timely receipt and consideration of applications, USTR strongly encourages applicants to make on-line submissions, using *regs.gov*. To apply via *regs.gov*, enter docket number USTR–2023–0011 on the home page and click ‘search.’ The site will provide a search-results page listing all documents associated with this docket. Find a reference to this notice by selecting ‘notice’ under ‘document type’ on the left side of the search-results page, and click on the ‘comment now’ link. For further information on using the *regs.gov* website, please consult the resources provided on the website by clicking on ‘How to Use *Regulations.gov*’ on the bottom of the page.

*Regs.gov* allows users to provide comments by filling in a ‘type comment’ field, or by attaching a document using an ‘upload file’ field. USTR prefers that applications be provided in an attached document. If a document is attached, please type “Application for Inclusion on USMCA Chapter 10 Roster” in the ‘upload file’ field. USTR prefers submissions in Microsoft Word (.doc) or Adobe Acrobat (.pdf). If the submission

is in an application other than those two, please indicate the name of the application in the ‘type comment’ field.

Applications must be typewritten, and should be headed “Application for Inclusion on USMCA Chapter 10 Roster.” Applications should include the following information, and each section of the application should be numbered as indicated:

1. Name of the applicant.
2. Business address, telephone number, fax number, and email address.
3. Citizenship(s).
4. Current employment, including title, description of responsibility, and name and address of employer.
5. Relevant education and professional training.
6. Spanish language fluency, written and spoken.
7. Post-education employment history, including the dates and addresses of each prior position and a summary of responsibilities.
8. Relevant professional affiliations and certifications, including, if any, current bar memberships in good standing.
9. A list and copies of publications, testimony, and speeches, if any, concerning AD/CVD law. Judges or former judges should list relevant judicial decisions. Submit only one copy of publications, testimony, speeches, and decisions.
10. Summary of any current and past employment by, or consulting or other work for, the Governments of the United States, Canada, or Mexico.
11. The names and nationalities of all foreign principals for whom the applicant is currently or has previously been registered pursuant to the Foreign Agents Registration Act, 22 U.S.C. 611 *et seq.*, and the dates of all registration periods.
12. List of proceedings brought under U.S., Canadian, or Mexican AD/CVD law regarding imports of U.S., Canadian, or Mexican products in which the applicant advised or represented (for example, as consultant or attorney) any U.S., Canadian, or Mexican party to such proceeding and, for each such proceeding listed, the name and country of incorporation of such party.
13. A short statement of qualifications and availability for service on chapter 10 panels, including information relevant to the applicant’s familiarity with international trade law and willingness and ability to make time commitments necessary for service on panels.
14. On a separate page, the names, addresses, email addresses, telephone and fax numbers of three individuals willing to provide information

concerning the applicant's qualifications for service, including the applicant's character, reputation, reliability, judgment, and familiarity with international trade law.

### G. Current Roster Members and Prior Applicants

Current members of the chapter 10 roster who remain interested in inclusion on the chapter 10 roster only need to indicate that they are reapplying and submit updates (if any) to their applications on file. Current members do not need to resubmit their applications. Individuals who previously have applied but have not been selected must submit new applications to reapply. If an applicant, including a current or former roster member, has previously submitted materials referred to in item 9, such materials need not be resubmitted.

### H. Public Disclosure

Applications are covered by a Privacy Act System of Records Notice and are not subject to public disclosure and will not be posted publicly on *regs.gov*. They may be referred to other federal agencies and Congressional committees in the course of determining eligibility for the roster, and shared with foreign governments and the USMCA Secretariat in the course of panel selection.

### I. False Statements

False statements by applicants regarding their personal or professional qualifications, or financial or other relevant interests that bear on the applicants' suitability for placement on the chapter 10 roster or for appointment to binational panels, are subject to criminal sanctions under 18 U.S.C. 1001.

#### Juan Millan,

*Deputy General Counsel for Monitoring and Enforcement, Office of the United States Trade Representative.*

[FR Doc. 2023-21531 Filed 9-28-23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Revised Form FHWA-1273

**AGENCY:** Federal Highway Administration (FHWA), Department of Transportation (DOT).

**ACTION:** Notice.

**SUMMARY:** This notice announces the availability of revised Form FHWA-1273 "Required Contract Provisions

Federal-Aid Construction Contracts" (FHWA-1273). This form includes certain contract provisions that are required on all Federal-aid construction contracts. This form also includes proposal notices that Federal-aid recipients must incorporate or reference in all solicitation-for-bids or request-for-proposals documents for Federal-aid construction projects. The changes to the form are those necessary to conform to the U.S. Department of Labor's (DOL) August 23, 2023, final rule amending the Davis-Bacon Act (DBA) and the Davis-Bacon Related Acts (DBRA) implementing regulations and are aligned with the effective date of those regulations.

**DATES:** The revised Form FHWA-1273 is effective October 23, 2023.

**FOR FURTHER INFORMATION CONTACT:** Mr. James DeSanto, Office of Preconstruction, Construction and Pavements, (614) 357-8515, [james.desanto@dot.gov](mailto:james.desanto@dot.gov) or Mr. Silvio J. Morales, Office of Chief Counsel, (443) 835-8344, [silvio.morales@dot.gov](mailto:silvio.morales@dot.gov), Federal Highway Administration, 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m., EST, Monday through Friday, except Federal holidays.

**SUPPLEMENTARY INFORMATION:** On March 18, 2022, the DOL published a notice of proposed rulemaking (NPRM), 87 FR 15698, proposing to update and modernize the regulations at 29 CFR parts 1, 3, and 5, which implement the DBA and the DBRA. The DBA requires the payment of locally prevailing wages and fringe benefits on Federal contracts for construction. The DBA prevailing wage requirements were subsequently incorporated into Title 23 of the United States Code (U.S.C.) and are thus applicable to Federal-aid highway construction contracts. 23 U.S.C. 113. In compliance with the latter FHWA requires that all Federal-aid highway construction contracts physically incorporate the DBA prevailing wage requirements via FHWA-1273. See 23 CFR 633.102.

After considering public comments on the NPRM, the DOL on August 23, 2023, published a final rule notice in the **Federal Register** at 88 FR 57526, adopting, with some modifications, the NPRM's proposed changes to the DBA prevailing wage regulations at 29 CFR parts 1, 3, and 5. The modifications to the required contract provisions contained in 29 CFR 5.5 are applicable to the DBA prevailing wage requirements within FHWA-1273. Pursuant to 23 CFR 633.104(a), FHWA has updated Form FHWA-1273 to be consistent with the new regulatory

requirements. As such, and in accordance with 23 CFR part 633, subpart A, the revised Form FHWA-1273, which can be found at <https://www.fhwa.dot.gov/programadmin/contracts/1273/1273.pdf>, must be used by recipients and contractors, including subcontractors at all tiers, as applicable under the regulations. As specified in DOL's final rule, the new regulations are applicable to all contracts awarded on or after October 23, 2023. Accordingly, States and other contracting agencies must use the revised Form FHWA-1273 in all prime construction contracts for Federal-aid construction projects awarded on or after October 23, 2023, as well as all subcontracts, including lower-tier subcontracts, that are awarded under such prime contracts.

**Authority:** 23 U.S.C. 113; 23 CFR 633.104; 29 CFR 5.5.

#### Shailen P. Bhatt,

*Administrator, Federal Highway Administration.*

[FR Doc. 2023-21306 Filed 9-28-23; 8:45 am]

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## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

[FHWA Docket No. FHWA-2023-0005]

#### Surface Transportation Project Delivery Program; Arizona Department of Transportation Draft FHWA Audit Report

**AGENCY:** Federal Highway Administration (FHWA), U.S. Department of Transportation (DOT).

**ACTION:** Notice; request for comment.

**SUMMARY:** The Moving Ahead for Progress in the 21st Century Act established the Surface Transportation Project Delivery Program (referred to as National Environmental Policy Act (NEPA) Assignment Program), allows a State to assume FHWA's environmental responsibilities for environmental review, consultation, and compliance under NEPA. When a State assumes these Federal responsibilities, the State becomes solely responsible and liable for carrying out the responsibilities it has assumed, in lieu of FHWA. This program mandates annual audits during each of the first 4 years of State participation to ensure compliance with program requirements. This is the third audit of the Arizona Department of Transportation's (ADOT) performance of its responsibilities under the NEPA Assignment Program. This notice announces and solicits comments on the third audit report for ADOT.