

(EA) or Environmental Impact Statement (EIS). 40 CFR 1507.3(b)(2)(ii), 1508.4. For an action to be categorically excluded, it must satisfy each of the following three conditions: (1) the entire action clearly fits within one or more of the categorical exclusions; (2) the action is not a piece of a larger action; and (3) no extraordinary circumstances exist that create the potential for a significant environmental effect. Instruction Manual section V.B(2)(a)–(c).

This final rule is a technical amendment that provides non-substantive technical and organizational updates. Therefore, it clearly fits within categorical exclusion A3(a) “Promulgation of rules . . . of a strictly administrative or procedural nature.” Instruction Manual, Appendix A, Table 1. Furthermore, this final rule is not part of a larger action and presents no extraordinary circumstances creating the potential for significant environmental impacts. Therefore, the amendment is categorically excluded from further NEPA review.

#### E. Federalism

Under Executive Order 13132 (Federalism), agencies must consider whether a rule has federalism implications. DHS has determined that this technical amendment does not have federalism implications because it does not create a substantial direct effect on States, on the relationship between the National Government and States, or the distribution of power and responsibilities among the various levels of government.

#### F. Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531–38, requires agencies to consider whether a rule will result in the expenditure of \$100,000,000 or more (adjusted annually for inflation) in any one year by State, local, and Tribal governments, in the aggregate, or by the private sector. This technical amendment will not result in such an expenditure.

#### G. The Congressional Review Act

Before a rule can take effect, 5 U.S.C. 801, the Congressional Review Act requires agencies to submit the rule and a report indicating whether it is a major rule to Congress and the Comptroller General. Under 5 U.S.C. 804(3)(C), rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties are not considered to be a rule for the purposes of the Congressional Review Act. This citation correction, as well as the updated mailing address constitute a rule of agency organization,

procedure, or practice that will have no substantive effect on the public. Thus, DHS is not required to submit this technical amendment to Congress and the Comptroller General under the Congressional Review Act.

#### List of Subjects in 6 CFR Part 3

Administrative practice and procedure, Petitions for rulemaking.

For the reasons stated in the preamble, the Department of Homeland Security amends 6 CFR part 3 as follows:

#### PART 3—PETITIONS FOR RULEMAKING

- 1. The authority citation for part 3 continues to read as follows:

**Authority:** 5 U.S.C. 301, 553(e); 6 U.S.C. 112.

##### § 3.3 [Amended]

- 2. In § 3.3(b)(2), remove the text “44 CFR 1.18” and add, in its place, the text “44 CFR 1.8”.

##### § 3.5 [Amended]

- 3. In § 3.5(b)(2), remove the text “601 South 12th Street, Arlington, VA 20598–6002” and add, in its place, the text “6595 Springfield Center Drive, Springfield, VA 20598–6002”.

**Alejandro N. Mayorkas,**

*Secretary, U.S. Department of Homeland Security.*

[FR Doc. 2024–07034 Filed 4–3–24; 8:45 am]

**BILLING CODE 9111–9B–P**

#### DEPARTMENT OF AGRICULTURE

#### Animal and Plant Health Inspection Service

#### 7 CFR Part 301

[Docket No. APHIS–2019–0035]

RIN 0579–AE62

#### Domestic Quarantine: Quarantined Areas and Regulated Articles; Technical Amendment

**AGENCY:** Animal and Plant Health Inspection Service, Department of Agriculture (USDA).

**ACTION:** Final rule; technical amendment.

**SUMMARY:** In a final rule published in the *Federal Register* on December 29, 2022, and effective on January 30, 2023, we amended the regulations governing domestic quarantines for various plant pests by removing lists of quarantined areas and regulated articles from the regulations in order to maintain these

lists on web pages maintained by the Agency. However, in the regulations governing black stem rust, we incorrectly stated that the web page listing articles determined to be rust-resistant only listed species and varieties of the genus *Berberis*, rather than species and varieties of the genera *Berberis*, *Mahoberberis*, and *Mahonia*. Therefore, we are amending the paragraph to correct the omission.

**DATES:** Effective April 4, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Lynn Evans-Goldner, National Policy Manager, Office of the Deputy Administrator, PPQ, APHIS, 4700 River Road, Unit 137, Riverdale, MD 20737; (301) 851–2286; [lynn.evans-goldner@usda.gov](mailto:lynn.evans-goldner@usda.gov).

**SUPPLEMENTARY INFORMATION:** In a final rule<sup>1</sup> that was published in the *Federal Register* on December 29, 2022 (87 FR 80002), and effective on January 30, 2023, we amended the regulations governing domestic quarantines for various plant pests by removing lists of quarantined areas and regulated articles from the regulations in order to maintain these lists on web pages maintained by the Agency. One of the affected subparts was “Subpart D—Black Stem Rust” (7 CFR 301.38 through 301.38–8). Section 301.38–2(b) correctly states that species and varieties of the genera *Berberis*, *Mahoberberis*, and *Mahonia* are regulated articles. However, in § 301.38–2(a), which provides the web page where regulated articles are listed, we inadvertently excluded the genera *Mahoberberis* and *Mahonia*, incorrectly implying that the list on the web page is limited to species of *Berberis*. This document corrects that error.

#### List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we amend 7 CFR part 301 as follows:

#### PART 301—DOMESTIC QUARANTINE NOTICES

- 1. The authority citation for part 301 continues to read as follows:

**Authority:** 7 U.S.C. 7701–7772 and 7781–7786; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 issued under Sec. 204, Title II, Public Law 106–113, 113 Stat. 1501A–293; sections 301.75–15 and 301.75–16 issued under Sec. 203, Title II, Public Law 106–224, 114 Stat. 400 (7 U.S.C. 1421 note).

<sup>1</sup>To view the final rule and supporting documents, go to: <https://www.regulations.gov/document/APHIS-2019-0035-0002>.

**§ 301.38–2 [Amended]**

■ 2. Amend § 301.38–2, in paragraph (a), by adding the words “, *Mahoberberis*, and *Mahonia*” after the word “*Berberis*” in the first sentence.

Done in Washington, DC, this 28th day of March 2024.

**Donna Lalli,**

*Acting Administrator, Animal and Plant Health Inspection Service.*

[FR Doc. 2024–07038 Filed 4–3–24; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF HOMELAND SECURITY****8 CFR Part 258**

[Docket No. USCBP–2022–0016]

RIN 1651–AB20

[CBP Dec. 24–07]

**Procedures for Debarring Vessels From Entering U.S. Ports**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Final rule.

**SUMMARY:** This final rule amends Department of Homeland Security (DHS) regulations by adding procedures regarding DHS’s authority to debar from entering U.S. ports vessels owned or chartered by an entity found to be in violation of certain laws and regulations relating to the performance of longshore work by nonimmigrant crew members. The new procedures govern how U.S. Customs and Border Protection (CBP) provides notice to a vessel owner or operator of a debarment and how the owner or operator may request mitigation. The new procedures will ensure that the vessel debarment process is consistent, fair, and transparent.

**DATES:** This final rule is effective on May 6, 2024.

**FOR FURTHER INFORMATION CONTACT:** Lisa Santana Fox, Director, Fines, Penalties and Forfeitures Division, Office of Field Operations, U.S. Customs and Border Protection, at 202–344–2730 or [Lisa.K.SanatanaFox@cbp.dhs.gov](mailto:Lisa.K.SanatanaFox@cbp.dhs.gov).

**SUPPLEMENTARY INFORMATION:****I. Background and Legal Authority**

Section 258 of the Immigration and Nationality Act of 1952 (INA) (Pub. L. 82–414, 66 Stat. 163), as amended, prohibits alien crew members (classified as nonimmigrants under section 101(a)(15)(D) of the INA, 8 U.S.C. 1101(a)(15)(D)) from entering the United

States to perform longshore work,<sup>1</sup> subject to certain statutory exceptions. See INA 258, 8 U.S.C. 1288; see also INA 101(a)(15)(D) and 214(f), 8 U.S.C. 1101(a)(15)(D) and 1184(f). The INA authorizes the Department of Homeland Security (DHS) and the Secretary of Labor to investigate violations of, and enforce the INA provisions relating to, the performance of longshore work by nonimmigrant crew members. See INA 251(d) and 258(c)(4)(E)(i), 8 U.S.C. 1281(d) and 1288(c)(4)(E)(i); see also 20 CFR 655.600 and 655.605. The Secretary of Labor will notify the Secretary of Homeland Security (Secretary) if the Secretary of Labor determines that a violation has occurred. See INA 258(c)(4)(E)(i), 8 U.S.C. 1288(c)(4)(E)(i). The INA then directs the Secretary to debar any vessel or vessels owned or chartered by the violating entity from entering U.S. ports for a period not to exceed one year. See INA 258(c)(4)(E)(i), 8 U.S.C. 1288(c)(4)(E)(i); 8 CFR 258.1(a)(2). The Secretary has delegated to the Commissioner of U.S. Customs and Border Protection (CBP) the authority to enforce and administer INA provisions relating to longshore work, including the authority to debar a vessel. See DHS Delegation No. 7010.3(B)(11) (Revision No. 03.1).

DHS regulations implementing the longshore work requirements are set forth in title 8 of the Code of Federal Regulations (CFR) parts 251 and 258. See 8 CFR 251 and 258. However, DHS regulations do not include procedures for CBP to follow when debarring a vessel, nor do they state how a vessel owner or operator may request mitigation of a debarment. In 2022, DHS published a notice of proposed rulemaking (NPRM) to add procedures for how CBP would notify an entity of a debarment and how a vessel owner or operator, or its authorized representative, may request mitigation of the debarment. See 87 FR 21582 (April 12, 2022). The NPRM proposed procedures to generally codify the steps CBP took in 2009 and 2010, the only times CBP has imposed debarments.

<sup>1</sup> Longshore work is defined as any activity in the United States or in U.S. coastal waters relating to the loading or unloading of cargo, the operation of cargo-related equipment (whether or not integral to the vessel), and the handling of mooring lines on the dock when the vessel is made fast or let go. See INA 258(b)(1), 8 U.S.C. 1288(b)(1). Longshore work does not include the loading or unloading of certain cargo including oil and hazardous substances and materials for which the Secretary of Transportation has prescribed regulations governing cargo handling or storage; the manning of vessels and the duties, qualifications, and training of the officers and crew of vessels carrying such cargo; and, the reduction or elimination of discharge during ballasting, tank cleaning, and handling of such cargo. See INA 258(b)(2), 8 U.S.C. 1288(b)(2).

The purpose of the NPRM was to establish consistent, fair, and transparent debarment procedures for both CBP and the entity subject to the debarment.

The NPRM provided for a 60-day comment period, which closed on June 13, 2022. No comments were received. DHS is adopting the NPRM as final without change.

**II. Procedures for Debarring Vessels From Entering U.S. Ports**

This final rule adds 8 CFR 258.4, which specifies the procedures that CBP will take prior to issuing a debarment and describe how a vessel owner or operator, or its authorized representative, may request mitigation of the debarment. These new procedures are described below.

**A. Definitions**

Paragraph (a) of section 258.4 sets forth definitions for the following terms for purposes of CBP’s debarment proceedings: good cause, mitigation, and mitigation meeting. Good cause, for purposes of extending the deadline for filing an answer, includes technical difficulties or natural disasters that affect the violating entity’s ability to receive, process, or transmit relevant information or data; or other instances in which CBP, in its discretion, determines an undue hardship on the violating entity warrants an extension of the deadline for filing an answer. See 8 CFR 258.4(a).

Mitigation in a debarment proceeding means determining the length of the debarment, the ports covered by the debarment, and the vessels subject to the debarment. It does not include revocation of the requirement to debar. See 8 CFR 258.4(a).

CBP notes that a violating entity may mitigate its length of debarment by showing that a specific period of debarment would have a negative impact on the U.S. economy and/or U.S. citizens/consumers. Examples of this include showing that a specific period of business activity (*i.e.*, fishing season) will be negatively impacted if a vessel were debarred, or that a vessel will be transporting produce or a type of perishable consumer good to the United States within a specific time frame for which debarment would be detrimental.

Mitigation meeting is a personal appearance before a designated CBP official in which representatives of the violating entity can provide information and explain why CBP should mitigate the debarment. See 8 CFR 258.4(a).