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Instructions: Response to this RFC is voluntary. Responses should include the name of the person(s) or organization(s) filing the response. Responses containing references, studies, research, and other empirical data that are not widely published should include copies of or electronic links to the referenced materials. Please do not submit copyrighted material. OPOG will not consider responses containing profanity, vulgarity, threats, or other inappropriate language or content. Any information obtained from this RFC is intended to be used by the Government on a non-attribution basis. The Department of Commerce will not respond to individual submissions.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to open@doc.gov with "Open Government Plan RFC" in the subject line, or by mail to Office of Privacy and Open Government, U.S. Department of Commerce, Attn: Jennifer Goode, Ph.D., Deputy Director for Open Government and Departmental Privacy Act Officer, 1401 Constitution Ave. NW, Mail Stop 61013, Washington, DC 20230, (202) 482-1190.

SUPPLEMENTARY INFORMATION: In accordance with OMB Memorandum M-09-12, President's Memorandum on Transparency and Open Government—Interagency Collaboration, OMB Memorandum M-10-06, Open Government Directive, and OMB Memorandum M-16-16, 2016 Agency Open Government Plans, the Department continues to develop, publish, and update its Open Government Plan every two years. The Plan describes how the Department continuously strives to improve transparency and integrate public participation and collaboration into its activities. In September 2022, the Department published the seventh version of its Open Government Plan, building on the Department's long history of innovative approaches to data dissemination and highlighting the adoption of new tools and technology to facilitate the principles of open government.

Now, as the Department develops the eighth version of its Open Government Plan, we welcome public input on how to improve upon the approach we took for the presentation of the seventh version of the Open Government Plan, including how to improve the organization, scope, form and format of the plan; enhance readability; and reach a broader audience. We also welcome

public input on how best to convey how the Department will incorporate the following themes from the fifth U.S. Open Government National Action Plan, issued on December 28, 2022:

- improving access to government data, research, and information;
 - increasing civic space within which to engage with the public;
 - transforming government service delivery;
 - countering corruption and ensuring government integrity and accountability to the public; and
 - ensuring equal justice under the law.
- Please Note:* The focus of this request for information is the presentation of the Department's Open Government Plan document. Comments or suggestions for improvements to the Department's programs or activities in furtherance of open government will not be considered in connection with this request for information.

To learn more about the Department's commitment to open government and to access the seventh or previous versions of the Department's Open Government Plan, visit www.commerce.gov/open. To learn more about the fifth U.S. Open Government National Action Plan, visit: <https://open.usa.gov/national-action-plan/5/>.

Charles R. Cutshall,

Department of Commerce, Director of Open Government, Office of Privacy and Open Government.

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-50-2024]

Foreign-Trade Zone (FTZ) 49, Notification of Proposed Production Activity; Merck, Sharp & Dohme LLC; (Pharmaceutical Products for Research and Development); Rahway, New Jersey

Merck, Sharp & Dohme LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Rahway, New Jersey, within Subzone 49Y. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on September 18, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/ component(s) and specific finished product(s) described in the submitted notification (summarized below) and

subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via www.trade.gov/ftz. The proposed finished product and material/component would be added to the production authority that the Board previously approved for the operation, as reflected on the Board's website.

The proposed finished product for research and development is MK-6878 HIV drug product (duty-free).

The proposed foreign-status material/component is MK-6878 HIV active pharmaceutical ingredient (duty rate, 6.5%). The request indicates that this material/component is subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: ftz@trade.gov. The closing period for their receipt is November 5, 2024.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Diane Finver at Diane.Finver@trade.gov.

Dated: September 23, 2024.

Elizabeth Whiteman,

Executive Secretary.

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DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B-29-2024]

Foreign-Trade Zone (FTZ) 32; Authorization of Production Activity; J.J.C. International Distributors LLC dba Clar Company; (Galvanized Steel Products); Miami, Florida

On May 23, 2024, J.J.C. International Distributors LLC dba Clar Company submitted a notification of proposed production activity to the FTZ Board for its facility within FTZ 32, in Miami, Florida.

The notification was processed in accordance with the regulations of the FTZ Board (15 CFR part 400), including notice in the **Federal Register** inviting public comment (89 FR 47129, May 31, 2024). On September 20, 2024, the

applicant was notified of the FTZ Board's decision that no further review of the activity is warranted at this time. The production activity described in the notification was authorized, subject to the FTZ Act and the FTZ Board's regulations, including section 400.14.

Dated: September 20, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024-21970 Filed 9-25-24; 8:45 am]

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DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Order Renewing Temporary Denial of Export Privileges; UTair Aviation JSC, Khanty-Mansiysk Airport Tyumen Region, Russia 628012

Pursuant to section 766.24 of the Export Administration Regulations, 15 CFR parts 730-774 ("EAR" or "the Regulations"),¹ I hereby grant the request of the Office of Export Enforcement ("OEE") to renew the temporary denial order ("TDO") issued in this matter on September 23, 2023. I find that renewal of this order is necessary in the public interest to prevent an imminent violation of the Regulations and that renewal for an extended period is appropriate because UTair Aviation JSC ("UTair") has engaged in a pattern of repeated, ongoing and/or continuous apparent violations of the EAR.

I. Procedural History

On April 7, 2022, I signed an order denying UTair's export privileges for a period of 180 days on the ground that issuance of the order was necessary in the public interest to prevent an imminent violation of the Regulations. The order was issued *ex parte* pursuant to Section 766.24(a) of the Regulations

¹ On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which includes the Export Control Reform Act of 2018, 50 U.S.C. 4801-4852 ("ECRA"). While section 1766 of ECRA repeals the provisions of the Export Administration Act, 50 U.S.C. App. 2401 *et seq.* ("EAA"), (except for three sections which are inapplicable here), section 1768 of ECRA provides, in pertinent part, that all orders, rules, regulations, and other forms of administrative action that were made or issued under the EAA, including as continued in effect pursuant to the International Emergency Economic Powers Act, 50 U.S.C. 1701 *et seq.* ("IEEPA"), and were in effect as of ECRA's date of enactment (August 13, 2018), shall continue in effect according to their terms until modified, superseded, set aside, or revoked through action undertaken pursuant to the authority provided under ECRA. Moreover, section 1761(a)(5) of ECRA authorizes the issuance of temporary denial orders. 50 U.S.C. 4820(a)(5).

and was effective upon issuance.² The temporary denial order was subsequently renewed on October 3, 2022,³ March 29, 2023,⁴ and September 23, 2023⁵ in accordance with section 766.24(d) of the Regulations.⁶

On August 27, 2024, BIS, through OEE, submitted a written request for renewal of the TDO that issued on September 23, 2023. The written request was made more than 20 days before the TDO's scheduled expiration and, given the temporary suspension of international mail service to Russia, OEE has attempted to deliver a copy of the renewal request to UTair by alternative means in accordance with sections 766.5 and 766.24(d) of the Regulations. No opposition to the renewal of the TDO has been received.

II. Renewal of the TDO

A. Legal Standard

Pursuant to section 766.24, BIS may issue an order temporarily denying a respondent's export privileges upon a showing that the order is necessary in the public interest to prevent an "imminent violation" of the Regulations, or any order, license or authorization issued thereunder. 15 CFR 766.24(b)(1) and 766.24(d). "A violation may be 'imminent' either in time or degree of likelihood." 15 CFR 766.24(b)(3). BIS may show "either that a violation is about to occur, or that the general circumstances of the matter under investigation or case under criminal or administrative charges demonstrate a likelihood of future violations." *Id.* As to the likelihood of future violations, BIS may show that the violation under investigation or charge "is significant, deliberate, covert and/or likely to occur again, rather than technical or negligent[.]" *Id.* A "lack of information establishing the precise time a violation may occur does not preclude a finding that a violation is imminent, so long as there is sufficient

² The TDO was published in the **Federal Register** on April 12, 2022 (87 FR 21616).

³ The October 3, 2022 renewal order, which was effective upon issuance, was published in the **Federal Register** on October 7, 2022 (87 FR 60987).

⁴ The March 29, 2023 renewal order, which was effective upon issuance, was published in the **Federal Register** on April 4, 2023 (88 FR 19911).

⁵ The September 23, 2023 renewal order, which was effective upon issuance, was published in the **Federal Register** on September 28, 2023 (88 FR 66802).

⁶ Section 766.24(d) provides that BIS may seek renewal of a temporary denial order for additional 180-day renewal periods, if it believes that renewal is necessary in the public interest to prevent an imminent violation. In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year.

reason to believe the likelihood of a violation." *Id.*

If BIS believes that renewal of a denial order is necessary in the public interest to prevent an imminent violation, it may file a written request for renewal, with any modifications if appropriate. 15 CFR 766.24(d)(1). The written request, which must be filed no later than 20 days prior to the TDO's expiration, should set forth the basis for BIS's belief that renewal is necessary, including any additional or changed circumstances. *Id.* "In cases demonstrating a pattern of repeated, ongoing and/or continuous apparent violations, BIS may request the renewal of a temporary denial order for an additional period not exceeding one year." ⁷ *Id.*

B. The TDO and BIS's Request for Renewal

The U.S. Commerce Department, through BIS, responded to the Russian Federation's ("Russia's") further invasion of Ukraine by implementing a sweeping series of stringent export controls that severely restrict Russia's access to technologies and other items that it needs to sustain its aggressive military capabilities. These controls primarily target Russia's defense, aerospace, and maritime sectors and are intended to cut off Russia's access to vital technological inputs, atrophy key sectors of its industrial base, and undercut Russia's strategic ambitions to exert influence on the world stage. Effective February 24, 2022, BIS imposed expansive controls on aviation-related (*e.g.*, Commerce Control List Categories 7 and 9) items to Russia, including a license requirement for the export, reexport or transfer (in-country) to Russia of any aircraft or aircraft parts specified in Export Control Classification Number ("ECCN") 9A991 (Section 746.8(a)(1) of the EAR).⁸ BIS will review any export or reexport license applications for such items under a policy of denial. *See* section 746.8(b). Effective March 2, 2022, BIS excluded any aircraft registered in, owned, or controlled by, or under charter or lease by Russia or a national of Russia from being eligible for license exception Aircraft, Vessels, and Spacecraft ("AVS") (Section 740.15 of the EAR).⁹ Accordingly, any U.S.-origin

⁷ 88 FR 59791 (Aug. 30, 2023).

⁸ 87 FR 12226 (Mar. 3, 2022). Additionally, BIS published a final rule effective April 8, 2022 which imposed licensing requirements on items controlled on the Commerce Control List ("CCL") under Categories 0-2 that are destined for Russia or Belarus. Accordingly, now all CCL items require export, reexport, and transfer (in-country) licenses if destined for or within Russia or Belarus. 87 FR 22130 (Apr. 14, 2022).

⁹ 87 FR 13048 (Mar. 8, 2022).