

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF AGRICULTURE

### Animal and Plant Health Inspection Service

#### 9 CFR Parts 57 and 161

[Docket No. APHIS–2017–0002]

RIN 0579–AE39

#### National List of Reportable Animal Diseases; Revising Proposed Rule, and Reopening of Comment Period

**AGENCY:** Animal and Plant Health Inspection Service, USDA.

**ACTION:** Proposed rule; revisions and reopening of comment period.

**SUMMARY:** We are reopening the comment period for our proposed rule that would amend disease regulations to provide a National List of Reportable Animal Diseases (NLRAD). Our proposed rule would have required animal health professionals suspecting or diagnosing incidences of animal diseases or disease agents classified as “notifiable” in the NLRAD to immediately report to both State and Federal officials. During the comment period for the proposed rule, however, several commenters raised concerns regarding the confidentiality of information reported under NLRAD, and that the Animal and Plant Health Inspection Service does not have the ability to provide Federal assurances of such confidentiality for information reported to States. In light of the validity of this concern, we are proposing a possible modification to our proposed rule to no longer require reporting to State officials; other existing Federal, State, and local disease reporting requirements would be unaffected, however. We are reopening the comment period for our proposed rule to provide interested persons with an opportunity to prepare and submit comments regarding this possible modification to the proposed rule.

**DATES:** The comment period for the proposed rule published on April 2, 2020 (85 FR 18471–18477) is reopened.

We will consider all comments that we receive on or before September 27, 2023.

**ADDRESSES:** You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to <https://www.regulations.gov> and enter APHIS–2017–0002 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2017–0002, Regulatory Analysis and Development, PPD, APHIS, Station 3A–03.8, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

The proposed rule and any comments we receive on this docket may be viewed at [www.regulations.gov](http://www.regulations.gov) or in our reading room, which is located in Room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m. EST, Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

**FOR FURTHER INFORMATION CONTACT:** Dr. Jane Rooney, NLRAD Coordinator, Center for Epidemiology and Animal Health, Strategy and Policy, VS, APHIS, USDA 2150 Centre Ave., Building B, Mail Stop 2E6, Fort Collins, CO 80526–8117; 301–789–3064; [NLRAD.NAHS@usda.gov](mailto:NLRAD.NAHS@usda.gov).

**SUPPLEMENTARY INFORMATION:** On April 2, 2020, we published in the **Federal Register** (85 FR 18471–18477, Docket No. APHIS–2017–0002) <sup>1</sup> a proposed rule to amend the animal disease regulations to provide for a national list of reportable animal diseases (NLRAD), as well as disease reporting requirements for animal health professionals identifying or suspecting NLRAD-listed diseases or conditions.

In our proposed rule, we proposed to classify reportable diseases as either monitored or notifiable. We proposed to define *notifiable disease* as “a disease or condition that requires immediate notification to Federal and State veterinary authorities,” and proposed to require any animal health professional with knowledge of occurrence or suspected occurrence of an animal disease, disease agent, or condition

listed as notifiable in the NLRAD to immediately report such identification or suspicion to both the Animal and Plant Health Inspection Service (APHIS) and the State where the livestock is located.

Commenters on the proposed rule noted that some of the information reported could be personally identifiable or confidential, and they requested assurances from APHIS that the data would remain protected from third-party distribution.

While processes and procedures exist at the Federal level to protect confidential information to the extent allowable under Federal law, APHIS, as a Federal agency, cannot control the release of information reported under NLRAD to a State. Instead, State and local laws and regulations regarding the release of the information would be operative.

Accordingly, we are proposing to modify our proposed rule to no longer require reporting to States under NLRAD. Other Federal, State, and local disease reporting requirements would be unaffected.

#### Lists of Subjects

##### 9 CFR Part 57

Animal diseases, Reporting, and recordkeeping requirements.

##### 9 CFR Part 161

Reporting and recordkeeping requirements, Veterinarians.

#### Proposed Regulation Promulgation

Accordingly, we propose to further amend 9 CFR part 57, as proposed to be amended at 85 FR 18476 (April 2, 2020) as set forth below:

#### PART 57—ANIMAL HEALTH DIAGNOSTICS AND TESTING

■ 1. The authority for part 57 continues to read as follows:

**Authority:** 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

##### § 57.1 [Amended]

■ 2. Amend § 57.1, as proposed to be amended at 85 FR 18476, in the proposed definition of “Notifiable disease,” by removing the words “and State”.

■ 3. Amend § 57.2, as proposed to be amended at 85 FR 18476, by revising paragraph (d)(1) to read as follows:

<sup>1</sup> To view the proposed rule, go to [www.regulations.gov](http://www.regulations.gov). Enter APHIS–2017–0002 in the Search field.

**§ 57.2 National List of Reportable Animal Diseases.**

\* \* \* \* \*

(d) \* \* \*

(1) *Notifiable diseases.* Any animal health professional with knowledge of occurrence or suspected occurrence of an animal disease, disease agent, or condition listed as notifiable in the NLRAD must immediately report such identification or suspicion to APHIS. Reporting to APHIS may be accomplished as described on the NLRAD website available at: [https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/monitoring-and-surveillance/nlrad/ct\\_national\\_list\\_reportable\\_animal\\_diseases](https://www.aphis.usda.gov/aphis/ourfocus/animalhealth/monitoring-and-surveillance/nlrad/ct_national_list_reportable_animal_diseases), or by contacting a local APHIS office.<sup>1</sup>

<sup>1</sup> Contact information for APHIS offices can be found on the APHIS website at <https://www.aphis.usda.gov/aphis/banner/contactus>, or in the local phone directory (listed under Animal and Plant Health Inspection Service (APHIS), Veterinary Services).

\* \* \* \* \*

Done in Washington, DC, this 18th day of August 2023.

**Michael Watson,**

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

[FR Doc. 2023–18379 Filed 8–25–23; 8:45 am]

**BILLING CODE 3410–34–P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Part 705**

[Docket No. 230810–0188]

RIN 0694–AJ27

**Revisions of the Section 232 Steel and Aluminum Tariff Exclusions Process**

**AGENCY:** Bureau of Industry and Security, U.S. Department of Commerce.

**ACTION:** Proposed rule.

**SUMMARY:** This proposed rule revises aspects of the process for requesting exclusions from the duties and quantitative limitations on imports of aluminum and steel discussed in five previous Bureau of Industry and Security (“BIS”) interim final rules implementing the exclusion process authorized by the President under section 232 of the Trade Expansion Act of 1962, as amended (“Section 232”). The changes in this proposed rule are also informed by a notice of request for public comments on the Section 232 exclusions process that was published by BIS on February 10, 2022 (February Notice). The February Notice was

directed by Proclamation 10328 of December 27, 2021, that directed BIS to review the Section 232 exclusions process to make improvements, including soliciting public comments as part of the review process. Based on a BIS review of the existing Section 232 exclusion process for areas of improvement and public comments on the current process for submissions to BIS, BIS is publishing this proposed rule to propose revisions to the Section 232 exclusions process, including to the Section 232 Exclusions Portal. As part of this proposed rule, BIS requests public comments on the proposed changes.

**DATES:** Comments on this proposed rule must be received by BIS no later than October 12, 2023.

**ADDRESSES:** See **SUPPLEMENTARY INFORMATION** section for information on submitting exclusion requests, objections thereto, rebuttals, and surrebuttals.

You may submit comments, identified by docket number BIS–2023–0021 or RIN 0694–AJ27, through the *Federal eRulemaking website*: <http://www.regulations.gov>. No other submission methods are being used for submitting comments on this proposed rule. Follow the instructions for submitting comments.

All filers using the portal should use the name of the person or entity submitting comments as the name of their files, in accordance with the instructions below. Anyone submitting business confidential information should clearly identify the business confidential portion at the time of submission, file a statement justifying nondisclosure and referring to the specific legal authority claimed, and provide a non-confidential version of the submission.

For comments submitted electronically containing business confidential information, the file name of the business confidential version should begin with the characters “BC.” Any page containing business confidential information must be clearly marked “BUSINESS CONFIDENTIAL” on the top of that page. The corresponding non-confidential version of those comments must be clearly marked “PUBLIC.” The file name of the non-confidential version should begin with the character “P.” The “BC” and “P” should be followed by the name of the person or entity submitting the comments or rebuttal comments. Any submissions with file names that do not begin with a “BC” or “P” will be assumed to be public and will be made publicly available through [http://](http://www.regulations.gov)

[www.regulations.gov](http://www.regulations.gov). Commenters submitting business confidential information are encouraged to scan a hard copy of the non-confidential version to create an image of the file, rather than submitting a digital copy with redactions applied, to avoid inadvertent redaction errors which could enable the public to read business confidential information.

**FOR FURTHER INFORMATION CONTACT:** For questions regarding this proposed rule, contact Erika Maynard at 202–482–5572 or via email [Erika.Maynard@bis.doc.gov](mailto:Erika.Maynard@bis.doc.gov), or email [Steel232@bis.doc.gov](mailto:Steel232@bis.doc.gov) regarding provisions in this proposed rule specific to steel exclusion requests and [Aluminum232@bis.doc.gov](mailto:Aluminum232@bis.doc.gov) regarding provisions in this proposed rule specific to aluminum exclusion requests.

**SUPPLEMENTARY INFORMATION:****Background**

On March 8, 2018, Presidential Proclamations 9704, *Adjusting Imports of Aluminum Into the United States* (83 FR 13267), and 9705, *Adjusting Imports of Steel Into the United States* (83 FR 11625), imposed duties on imports of aluminum and steel. The Proclamations also authorized the Secretary of Commerce to grant exclusions from the duties if the Secretary determines the steel or aluminum article for which the exclusion is requested is not “produced in the United States in a sufficient and reasonably available amount or of a satisfactory quality” or should be excluded “based upon specific national security considerations,” and provided authority for the Secretary to issue procedures for exclusion requests. On April 30, 2018, Proclamations 9739 and 9740, and on May 31, 2018, Proclamations 9758 and 9759, set quantitative limitations on the import of steel and aluminum from certain countries in lieu of the duties. On August 29, 2018, Proclamations 9776 and 9777 also authorized the Secretary to grant exclusions from quantitative limitations based on the same standards applicable to exclusions from the tariffs.

*The Section 232 Exclusions Process*

Since March 19, 2018, BIS has published five interim final rules (IFRs) that established and made various revisions to the Section 232 exclusions process, as well as a Notice of Inquiry seeking public comment on certain aspects of the Section 232 exclusions process.

On March 19, 2018, BIS issued an IFR, *Requirements for Submissions Requesting Exclusions from the Remedies Instituted in Presidential*